



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 May 26, 2016

SUBJECT: Initial Study Application No. 5737 and Amendment Application No. 3768

Allow the rezoning of a 39.09-acre parcel from the existing AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an M-2(c) (General Industrial, Conditional) Zone District to allow limited general and light industrial uses as requested by the Applicant.

LOCATION: The subject property is located on the south side of Lincoln Avenue approximately 1,231 feet east of S. Clovis Avenue and 2,616 feet north of the nearest city limits of the City of Fowler (5639 E. Lincoln Avenue, Fowler, CA) (SUP. DIST. 4) (APN 340-100-15).

**OWNER/
APPLICANT:** Boghosian Family Trust

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.5737; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3768 with the recommended Mitigation Measures, Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3814 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Golden State Industrial Corridor
6. Uses Allowed Under the Current AE-20 (Exclusive Agricultural) Zone District
7. Uses Proposed to be Allowed Under the M-2(c) (General Industrial, Conditional) Zone District with Approval of Amendment Application No. 3768
8. Summary of Initial Study Application No. 5737

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Industrial (Golden State Industrial Corridor) See Exhibit 5	N/A
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	M-2(c) (General Industrial, Conditional)
Parcel Size	39.09 acres	No change
Project Site	Vacant	Rezone a 39.09-acre parcel from the existing AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an M-2(c) (General Industrial, Conditional) Zone District to allow industrial uses as listed in Exhibit 6.
Structural Improvements	None	None. Future site development would include industrial uses as listed in Exhibit 6.
Nearest Residence	350 feet north of the proposal	No change
Surrounding Development	Single-family residences, orchards, vineyards.	No change

Criteria	Existing	Proposed
Operational Features	Project site is planted in vineyard with no improvements	See "Project Site" above
Employees	N/A	None. Will be determined at the time uses are established on the property.
Customers/Supplier	N/A	None. Will be determined at the time uses are established on the property.
Traffic Trips	N/A	No Traffic Impact Study required by Design Division of the Fresno County Department of Public Works and Planning due to limited uses proposed and the anticipated nominal traffic generated by the uses
Lighting	None	None. Will be determined at the time uses are established on the property.
Hours of Operation	N/A	None. Will be determined at the time uses are established on the property.

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	For the existing AE-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	For the M-2(c) Zone District: None required for this application	N/A
Parking	No requirement	None required for this application	N/A. The proposed uses will be subject to M-2 Zone District parking standards.
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	40 feet separation between structures for sheltering	No requirement	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	animals and building for human occupancy in the AE-20 Zone District		
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code in the AE-20 Zone District	None. The proposal is not adjacent to residentially-zoned property	N/A
Septic Replacement Area	100 percent for the existing system	None required for this application	N/A. The proposed uses will utilize on-site sewage disposal systems.
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	None required for this application	N/A. The proposed uses will utilize an on-site water well; the well and septic separation requirements will be met during Site Plan Review.

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Lincoln Avenue; Good condition	No change
Direct Access to Public Road	Yes	Lincoln Avenue; Good condition	No change
Road ADT		500	No change
Road Classification		Local Road	No change
Road Width		50 feet (25.6 feet pavement width)	No change
Road Surface		Asphalt concrete paved	No change
Traffic Trips		N/A	No Traffic Impact Study required by Design Division of the Fresno County Department of Public Works and Planning due to limited uses proposed and the

		Existing Conditions	Proposed Operation
			anticipated nominal traffic generated by the uses
Traffic Impact Study (TIS) Prepared	No	N/A	See Traffic Trips
Road Improvements Required		Good	No change

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	58 acres	Single-family residence; vineyard	AE-20	350 feet
South	37 acres	Vineyard	AE-20	None
East	39.34 acres	Vineyard	AE-20	None
West	26.6 acres	Single-family residence; orchard	AE-20	530 feet

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 5737 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent of Mitigated Negative Declaration publication date: April 25, 2016.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

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

PROCEDURAL CONSIDERATIONS:

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

BACKGROUND INFORMATION:

According to County records, the subject 39.09-acre property and other properties in the area were zoned A-1 (Agricultural District) on June 8, 1960. On February 15, 1972 Amendment Application No. 2396 was approved, which rezoned the properties from the A-1 to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

Under the current application, the Applicant is proposing to rezone the subject property from the AE-20 Zone District to an M-2(c) (General Industrial, Conditional) Zone District to allow limited general industrial and light industrial uses, namely, baled cotton storage, building materials, used materials and contractor’s storage yard, public utility service yards, microwave relay structures, advertising structures and signs, caretaker’s residence, farm equipment sales and service, commercial grain elevators, stone monument works, agricultural uses, communication equipment buildings, electric transmission and distribution substations, telephone booths, and water pump stations (see Exhibit 7). The property is located within the City of Fowler Sphere of Influence and is designated Industrial within the Golden State Industrial Corridor in the County General Plan and in the City of Fowler General Plan.

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.1 requires that the County shall maintain agriculturally-related areas for agriculture uses and shall direct urban growth closer to areas where public facilities and infrastructures are available.</p>	<p>The subject 39.09-acre project site is designated as Prime Farmland in the 2010 Fresno County Important Farmland Map and is regularly cultivated. Loss of 39.09 acres of prime farmland due to the proposed rezone from agricultural to industrial was not determined to be significant, as the property is within the Golden State Industrial Corridor which was established exclusively for industrial development. All agricultural land within the Industrial Corridor, including the subject property, is planned for and is to be built with industrial uses with public utilities eventually provided by the Selma-Kingsburg-Fowler Sanitation District (SKFSD) and the City of Fowler. The proposal is consistent with this policy.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>The subject property is designated Industrial within the Golden State Industrial Corridor for industrial development. Any future buffering that is required or proposed, such as landscaping or walls, which may be necessary to protect adjoining farming operations will be addressed through the mandatory Site Plan Review process. The proposal is consistent with this policy.</p>

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-F.29, criteria a. b. c. d. states that the County may approve rezoning requests and discretionary permits for new industrial developments subject to the following criteria: a) operational measures or specialized equipment to protect public health and safety and to reduce adverse impact of noise, odor, vibration, smoke, smoke, heat and glare, and other pollutants on abutting properties; b) provisions of adequate off-street parking; c) maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from the abutting properties; and d) limitations on the use size, time of operation or length of permits.</p>	<p>This proposal would allow limited and less intensive by-right industrial uses in the M-2(c) Zone District that are incidental to the farming operations, and that are expected to produce the least amount of noise, odor, vibration, smoke, heat and glare to impact the surrounding farmlands with single-family homes. The uses proposed by this application will adhere to the M-2(c) Zone District property development standards and will be analyzed against these standards during mandatory Site Plan Review. With these considerations, the proposal is consistent with this policy.</p>
<p>Policy LU-F.30 states that the County shall generally require community sewer and water services for industrial development.</p>	<p>The subject property will connect with Selma-Kingsburg-Fowler Sanitation District sewer facilities and City of Fowler water facilities in the future. Until that occurs, the uses proposed by this application will utilize a private well and on-site sewage disposal system, with a Condition included allowing only low-water uses and uses that generate small amounts of liquid waste, until the property is served by community sewer and water facilities or adequate information demonstrating that the property can accommodate higher volumes of liquid waste is submitted to the County Health Department and Water/Geology/Natural Resources Section. The proposal is consistent with this policy.</p>
<p>Policy LU-F.36 states that the County may approve rezoning within the Golden State Industrial Corridor subject to the following criteria: a) a proposal for development within a city's sphere of influence shall be referred to the appropriate city and sanitation district for annexation; b) all applications for industrial development within a city's sphere of influence shall be referred to that city for review and recommendation; c) the County may approve the zoning where a sanitation district determines to provide service or the County Health Officer and/or State Water Resources Control Board, Division of Drinking Water determines</p>	<p>Regarding criteria a, b and c, the subject property is within the Sphere of Influence of the City of Fowler and Selma-Kingsburg-Fowler Sanitation District (SKFSD). The project was referred to the City for possible annexation, but was released for development in the County on November 6, 2006. The property is not contiguous to the SKFSD boundaries, or within 200 feet of the accessible public sewer, or located near City of Fowler water facilities. For those reasons, the property development will be limited to the uses that generate small amounts of liquid waste until such time the property is served by community sewer and water systems. Further, the property is being conditioned to a limited number of uses. Regarding Criteria d, design of the future development proposals may include railroad spur access or provide for future</p>

Relevant Policies:	Consistency/Considerations:
that service is necessary; d) properties lying easterly of the Southern Pacific railroad shall be designed to provide railroad spur access or provide for future railroad extensions; and e) where proposed industrial zoning or development is adjacent to existing non-industrial uses, policies contained in LU-F.29 a. b. c. d. shall apply.	railroad extension. Regarding Criteria e, the proposal meets Policy LU-F.29 a. b. c. d. as discussed above. With these considerations, the proposal is consistent with this policy.
Policy LU-G.14 states that the County shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation and provisions of any applicable city/county memorandum of understanding	The subject property is within the City of Fowler Sphere of Influence (SOI). In accordance with the subject policy and the Memorandum of Understanding (MOU) between the County and the City of Fowler, the project was referred to the City for possible annexation. The City released the property for development in the County of Fresno on November 6, 2006 citing development of the parcel may be premature and that other lands in the vicinity and within Williamson Act Contract prohibit annexation and logical, efficient growth of industrial uses in the area. Development shall be consistent with the City of Fowler standards as included as a Condition of Approval.
General Plan Policy PF-C.17: The 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 project site is not located in a water-short area. Nominal use of water by the proposed uses will not deplete groundwater resources or impact other water users in the area. No concerns related to water quantity were expressed by the County Water/Geology/Natural Resources Section. The proposal is consistent with this policy.

Reviewing Agency/Department Comments Regarding Site Adequacy:

San Joaquin Valley Air Pollution Control District (Air District): For all the uses proposed by this application, consultation with the Air District shall occur through the mandatory Site Plan Review process to determine if and when an Air Impact Assessment for District Rule 9510 will be completed for the development, and to determine the applicability of any mandatory requirements or regulations administered through the Air District. This requirement is included as a Mitigation Measure.

The individual development projects may be subject to the San Joaquin Valley Air Pollution Control District 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). These requirements are included as Project Notes

The Fresno County Public Health Department, Environmental Health Division (Health Department): Only low-water uses and uses that generate small amounts of liquid waste shall be permitted until the property is served by a community sewer and water system or adequate information is submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes. This requirement is included as a Condition of Approval.

The Applicant should consider having the existing septic tank pumped and have the tank and seepage pit(s) and/or leach lines evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years to allow possible repairs, additions, or require the proper destruction of the system. Future use of the septic system should require an evaluation of the existing system for adequacy to serve the proposed uses.

Future tenants proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507. Future tenants shall be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities, Chapter 19; and Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.

In an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.

Building and Safety Section of the Fresno County Department of Public Works and Planning: The construction of any structures on the property shall meet the Building Code requirements in effect at the time they are constructed.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher shall be required for any grading proposed with this application. According to FEMA FIRM Panel 2139H, the southwest portion of the property is within Flood Zone A, subject to flooding from the 100-year storm. No net import of fill shall be allowed within the flood zone, and any work within the designated Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

The aforementioned requirements are included as Project Notes.

Fresno Irrigation District (FID): The County should require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.

Fresno County Department of Agriculture (Ag Commissioners Office): The AE-20 designation shall be retained to keep the subject parcel and surrounding agricultural land in agricultural production. The change to M-2 zoning would encourage development of this parcel and surrounding parcels.

Fresno County Fire Protection District; Selma-Kingsburg-Fowler Sanitation District; Regional Water Quality Control Board, Central Valley Region; California Department of Transportation; State Water Resources Control Board, Division of Drinking Water; California Department of Fish and Wildlife; California Department of Highway Patrol; Consolidated Mosquito Abatement District; Design Division, Road Maintenance and Operations Division, Site Plan Review Section, and Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the project.

Analysis:

The subject property is currently designated Industrial within the Golden State Industrial Corridor in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. The area to the north of the property is designated Agriculture in the County General Plan and is zoned AE-20; area to the east within the City of Fowler Sphere of Influence is designated Agriculture in the County General Plan and is zoned AE-20; and area to the south and to the west is designated Industrial within the Golden State Industrial Corridor in the County General Plan and is zoned AE-20 in the County Zoning Ordinance. The property is located approximately 2,616 feet north of the nearest city limits of the City of Fowler.

The subject property is currently planted in vineyard with no improvements. Surrounding parcels ranging in size from 26.6 acres to 58 acres are planted in field crops and orchards with single-family residences. The nearest single-family residences are located approximately 350 feet to the north and 530 feet to the west. The existing industrial uses within the Golden State Industrial Corridor are approximately 2,292 feet west of the property.

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

The "M-2" Zone District is a general industrial district intended to provide for the establishment of industrial uses essential to the development of a balanced economic base and includes uses allowed in the M-1 Zone District. The "M-1" District is a light manufacturing district intended to provide for the development of industrial uses which are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to those residing in the area. The subject proposal would allow a mix of general and light industrial by-right uses on the property, namely, baled cotton storage, building materials, used materials and contractor's storage yard, public utility service yards, microwave relay structures,

advertising structures and signs, caretaker's residence, farm equipment sales and service, commercial grain elevators, stone monument works, agricultural uses, communication equipment buildings, electric transmission and distribution substations, telephone booths, and water pump stations. These uses are least intensive in terms of generating traffic, odor, dust and sound compared to other by-right uses allowed in the M-2 and M-1 Zone Districts.

As discussed above in General Plan consistency/consideration, the subject proposal is consistent with all applicable General Plan policies. In regard to consistency with Policy LU-A.1 and Policy LU-A.12, the subject proposal is located within the Golden State Industrial Corridor for industrial uses and will be provided with community sewer and water services when available, and adequate buffering (walls/landscaping) to protect adjoining farming operations from uses established on the property. In regard to consistency with Policy LU-F.29, the proposal will allow limited by-right industrial uses for least impacts on public health and safety and meet M-2 Zone District property development standards. In regard to consistency with Policy LU-F.30, Policy LU-F.36 and Policy LU-G.14, the project was released by the City of Fowler for development in the County, will allow only low-water uses and the uses that generate small amounts of liquid waste until such time the property is served by community sewer and water systems, and will be subject to the City of Fowler development standards and review of all site plans and land use approvals. In regard to consistency with PF-C.17, the project is not located in a water-short area and the proposed low-water uses will not deplete groundwater resources.

The Initial Study (IS) prepared for the project has identified aesthetics and air quality as potential impacts. Regarding aesthetics, any new lighting on the property will be required to be hooded and directed downward to avoid glare on the adjoining properties. Regarding air quality resources, completion of an Air Impact Assessment for District Rule 9510 for all the uses proposed by this application would be required. These requirements are included as Mitigation Measures (Exhibit 1).

Potential impacts related to geology and soils, hazards and hazardous materials, and hydrology and water quality are not considered to be significant. Regarding these impacts, any existing septic system that is to be utilized by the proposed uses will require evaluation for adequacy; low-water uses and uses that generate small amounts of liquid waste will be permitted until the property is served by a community sewer and water system; all uses will require adherence to applicable local, state and federal health and safety laws; and all abandoned water wells and septic systems within the project area will require proper destruction. Mandatory Site Plan Review (SPR) is included as a Project Note to address these issues and others identified in this Report, including, but not limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of light. The subject proposal involves limited by-right uses that will not generate a significant number of traffic trips, resulting in no need for a Traffic Impact Study according to the Design Division of the Fresno County Department of Public Works and Planning or the California Department of Transportation. Likewise, the proposal will not encourage industrial development on the surrounding parcels as noted by the Fresno County Department of Agriculture. The subject parcel is located within the Golden State Industrial Corridor, which allows industrial developments on agricultural land, subject to rezoning. Furthermore, development resulting from this proposal will not deplete groundwater resources as noted by the Fresno Irrigation District. The project is being conditioned to allow low-water uses and would not consume water for agricultural uses as it is developed.

Based on the above information, and with adherence to the aforementioned Mitigation Measures including all outdoor lighting be hooded and directed downward, Conditions of Approval and mandatory Project Notes, Staff believes that the subject rezoning from the AE-20

Zone District to an M-2(c) Zone District will not have an adverse effect upon surrounding properties, and that the proposal is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Staff believes that the proposed rezone from the AE-20 (Exclusive Agricultural) Zone District to an M-2(c) (General Industrial, Conditional) is consistent with the Fresno County General Plan, and recommends approval of Amendment Application No. 3768, subject to the Mitigation Measures, Conditions of Approval and Project Notes in Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 5737; and
- Determine that the M-2(c) (General Industrial, Conditional) zoning is consistent with the General Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3768 to the Board of Supervisors with a recommendation for approval, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the M-2(c) (General Industrial, Conditional) zoning is not consistent with the General Plan, and deny Amendment Application No. 3768 (state basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:
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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 5737/Amendment Application (AA) No. 3768
(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 associated with development of industrial uses on the site shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; for duration of project
*2.	Air Quality	For all the uses proposed by this application, consultation with the San Joaquin Valley Air Pollution Control District (Air District) shall occur through the mandatory Site Plan Review process to determine if and when an Air Impact Assessment for District Rule 9510 will be completed for the development, and to determine the applicability of any mandatory requirements or regulations administered through the Air District.	Applicant	Applicant/San Joaquin Valley Air Pollution Control District/PW&P	As noted
Conditions of Approval					
1.	Prior to the establishment of any of the uses proposed by this application in the M-2(c) Zone District, a Site Plan Review shall be filed in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance.				
2.	<p>The uses allowed on the property shall be limited to:</p> <ul style="list-style-type: none"> • Baled cotton storage • Building materials • Used materials yard • Microwave relay structures • Advertising structures • Caretaker's residence, which may include an office for the permitted industrial use • Farm equipment sales and service • Signs, subject to the provisions of Section 843.5-K • Commercial grain elevators • Stone monument works • Storage yards consisting of a contractor's storage yard • Agricultural uses • Communication equipment buildings 				

	<ul style="list-style-type: none"> • Electric transmission substations • Public utility service yards with incidental buildings • Electric distribution substations • Temporary or permanent telephone booths • Water pump stations
3.	<p>Only low-water uses and uses that generate small amounts of liquid waste shall be permitted until the property is served by a community sewer and water system or adequate information is submitted to the Fresno County Public Health Department, Environmental Health Division to demonstrate that the property can accommodate higher volumes of liquid wastes.</p>
4.	<p>Development of uses proposed on the site shall be subject to the standards of the City of Fowler unless Fresno County standards are more stringent; furthermore, at the time of submittal of a Site Plan Review application, the City shall be provided all development plans for review and comment.</p>

*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.

Project Notes

<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>The construction of any structures on the project location shall meet all the Building Code requirements in effect at the time they are constructed.</p>
2.	<p>The individual development projects may be subject to the San Joaquin Valley Air Pollution Control District 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).</p>
3.	<p>According to the Fresno County Public Health Department, Environmental Health Division (Health Department):</p> <ul style="list-style-type: none"> • It is highly recommended that all future development of the property require connection to community water and community sewer facilities. • If on-site water wells and/or sewage disposal systems are permitted, only low-water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community water and sewer facilities or adequate information is submitted to the Fresno County Department of Public Health and the Department of Public Works and Planning to demonstrate that the property can accommodate higher volumes of liquid wastes. • 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 (permits required). • Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. • Future tenants proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507

Project Notes

- (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>).
- Future tenants should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities, Chapter 19; and Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle).
 - Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.
 - Building permit records indicate there was a septic system repair seepage pit installed in 1972. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and seepage pit(s) and/or leach lines evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspection may indicate possible repairs, additions, or require the proper destruction of the system.
 - Future use of the septic system should require an evaluation of the existing system for adequacy to serve the proposed uses.

4. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:

- A grading permit or voucher shall be required for any grading proposed with this application.
- According to FEMA FIRM Panel 2139H, the southwest portion of the property is within Flood Zone A, subject to flooding from the 100-year storm. No net import of fill shall be allowed within the flood zone, and any work within the designated Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.
- Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

5. According to the Fresno Irrigation District (FID):

- FID's Briggs – S. Br. No.8 pipeline runs southerly along the west side of Fowler Avenue approximately 2,900 feet northeast of the subject property. All plans for street or utility improvements along Fowler Avenue or in the vicinity of the pipeline shall be reviewed and approved by FID.
- A privately-owned canal known as Wilkins Canal No. 236 runs along the easterly edge of the subject property. Prior to any development near the Canal, the applicant or developer shall consult with the Fresno Irrigation District.

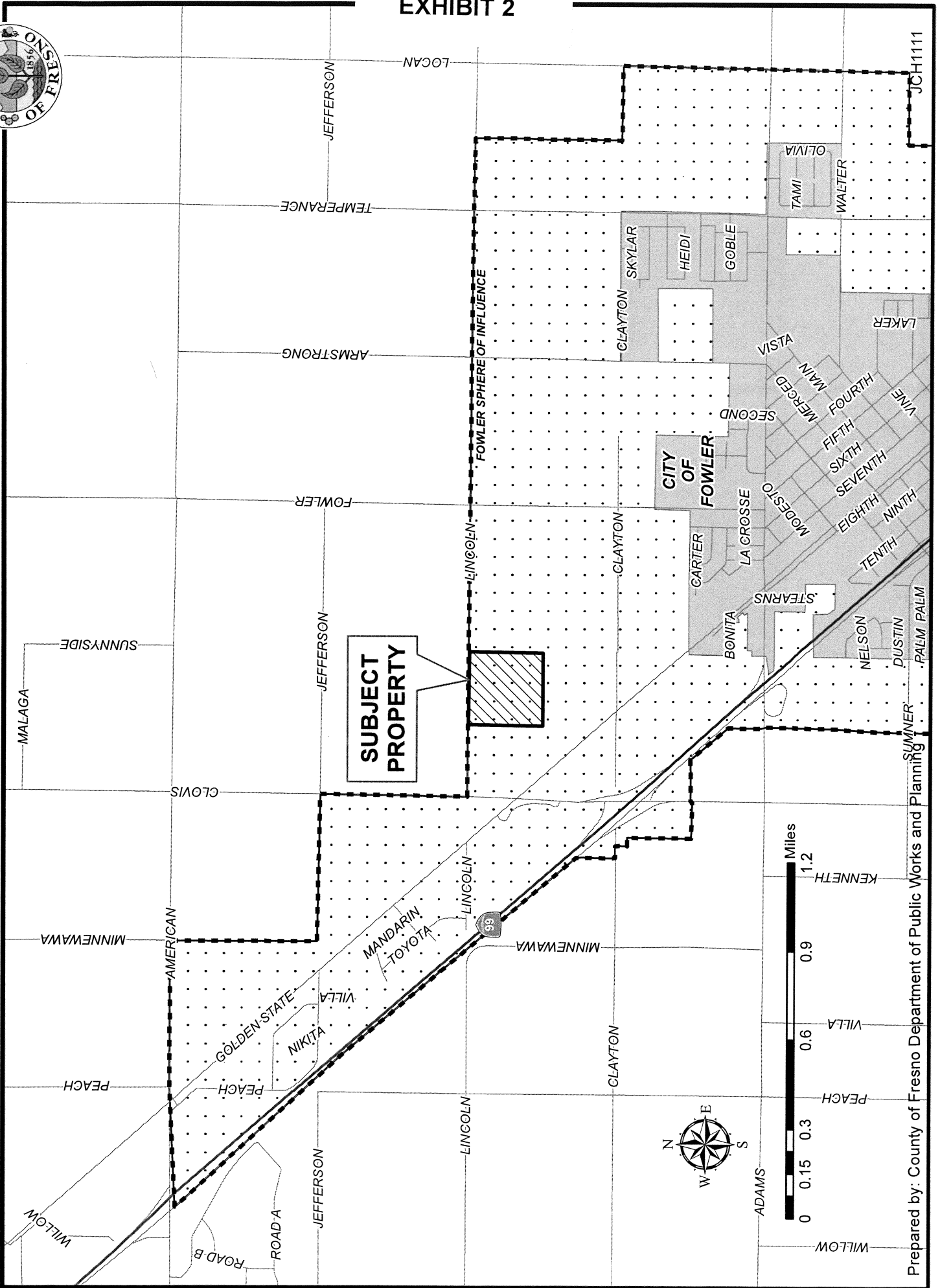
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LOCATION MAP

AA 3768

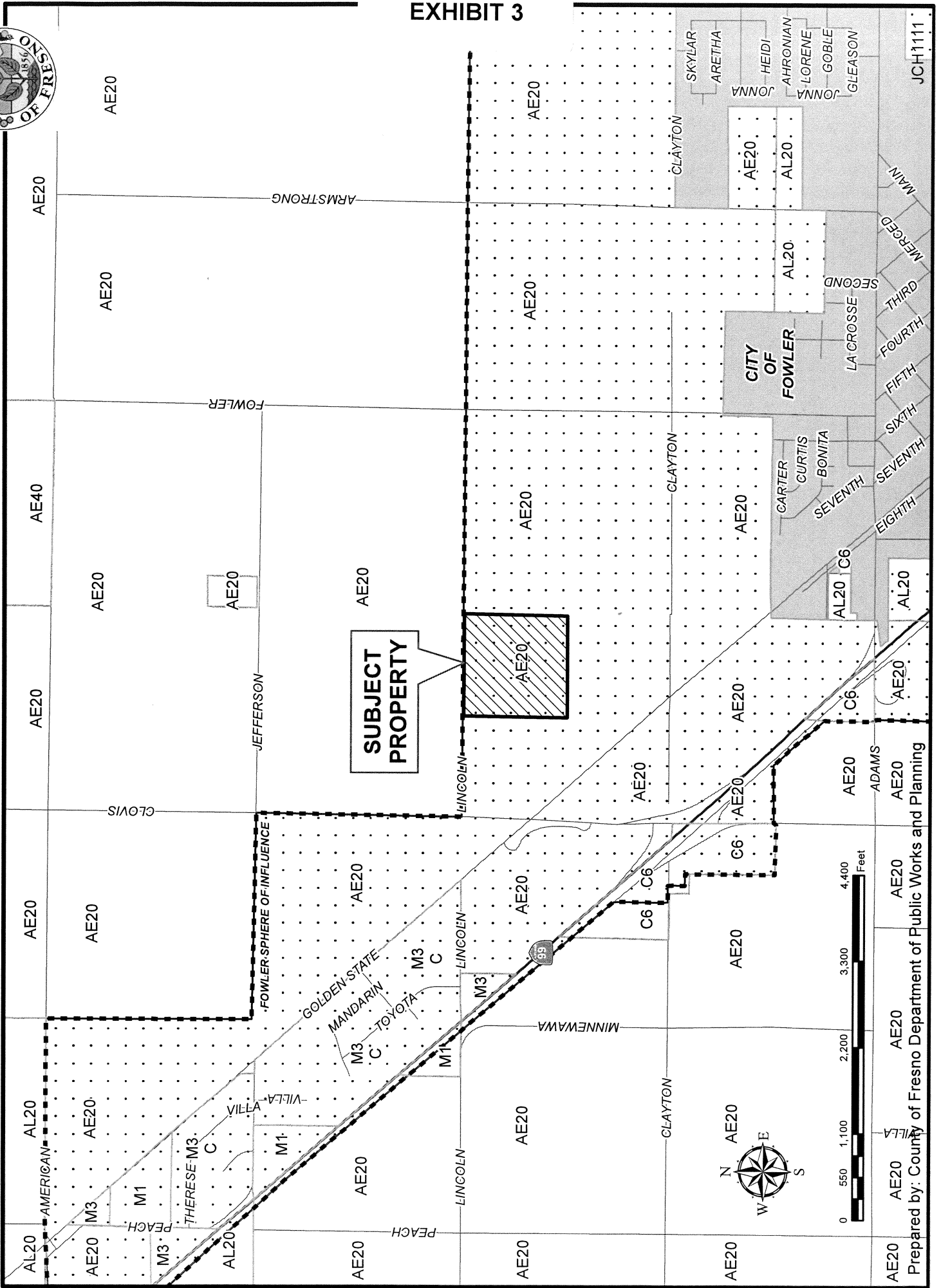
EXHIBIT 2



EXISTING ZONING MAP



EXHIBIT 3





EXISTING LAND USE MAP

AA 3768

EXHIBIT 4

LEGEND

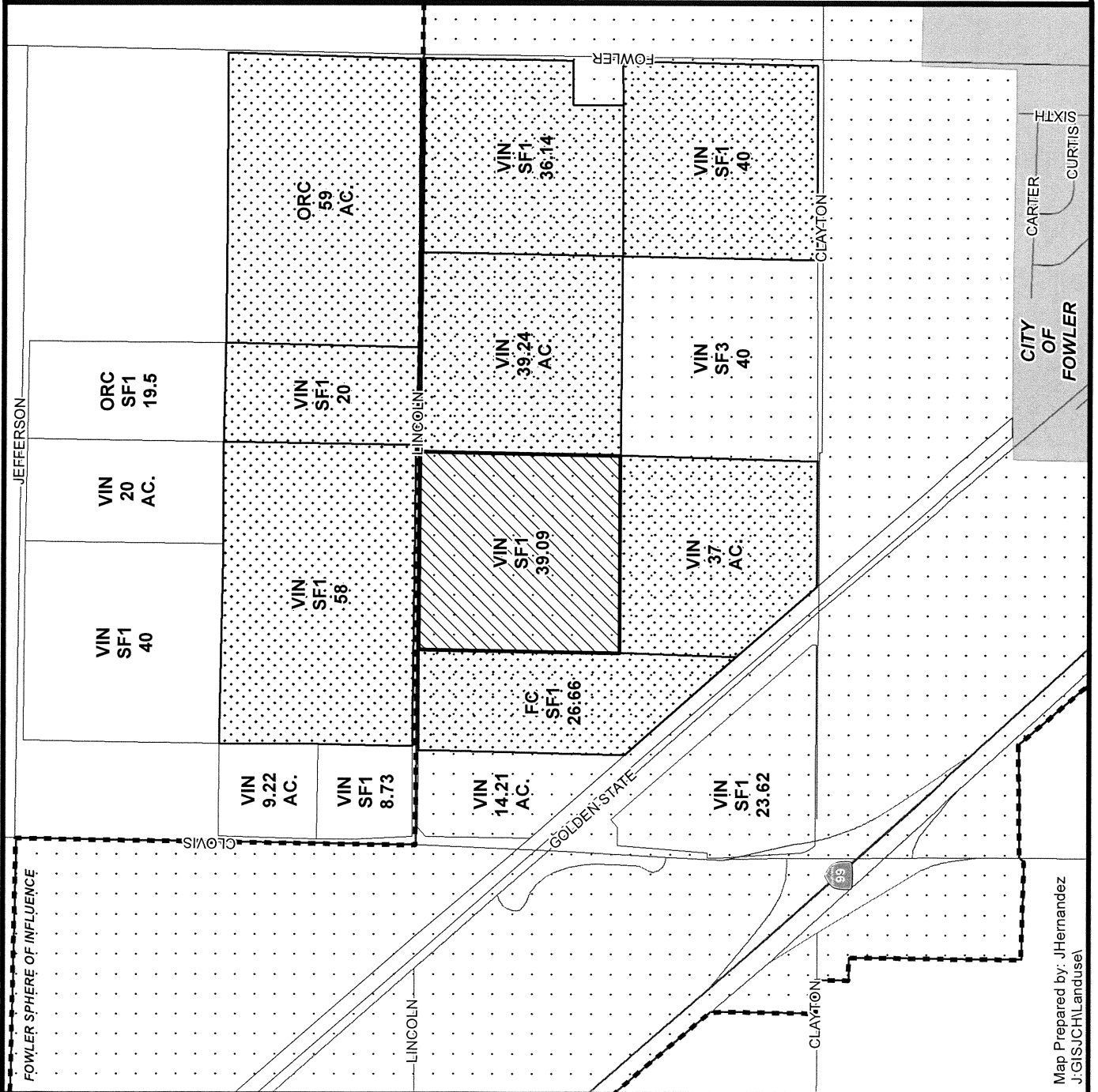
SF# - SINGLE FAMILY RESIDENCE
 FC - FIELD CROP
 ORC - ORCHARD
 VIN - VINEYARD
 V - VACANT

LEGEND:

 Subject Property
 Ag Contract Land



Department of Public Works and Planning
 Development Services Division



Map Prepared by: JHernandez
 JGISUCH/LanduseI

EXHIBIT 5

SUBJECT PROPERTY

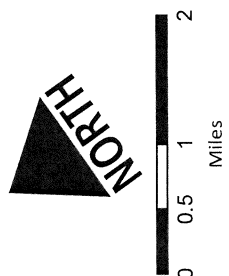
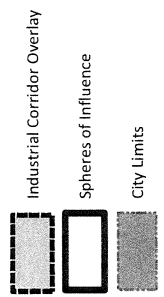


EXHIBIT 6

SECTION 816

"AE" EXCLUSIVE AGRICULTURAL DISTRICT

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

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

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

SECTION 816.1 - USES PERMITTED

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

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

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

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

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

EXHIBIT 7

Uses Proposed to be Allowed Under the M-2(c) Zone District With Approval of Amendment Application No. 3768

Uses permitted "by right" shall be limited to:

- Baled cotton storage
- Building materials
- Used materials yard
- Microwave relay structures
- Advertising structures
- Caretaker's residence, which may include an office for the permitted industrial use
- Farm equipment sales and service
- Signs, subject to the provisions of Section 843.5-K
- Commercial grain elevators
- Stone monument works
- Storage yards consisting of a contractor's storage yard
- Agricultural uses
- Communication equipment buildings
- Electric transmission substations
- Public utility service yards with incidental buildings
- Electric distribution substations
- Temporary or permanent telephone booths
- Water pump stations

SECTION 844.1 - USES PERMITTED

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

A. ~~All uses permitted in the "M-1" District, Section 843.1. (See Attached M-1 Sheet)~~

B. Baled cotton storage.

C. Building materials.

~~D. Cotton compress.~~

E. Used materials yards.

~~F. Manufacturing.~~

~~1. Automotive:~~

~~a. Assembly.~~

~~b. Battery manufacture.~~

~~c. Body and fender works.~~

~~d. Rebuilding.~~

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

~~a. Automatic screw machines.~~

~~b. Blacksmith shops.~~

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

~~a. Bone.~~

~~b. Feathers.~~

~~c. Hair.~~

~~d. Horns.~~

~~e. Paints, not employing a boiling process.~~

~~f. Rubber.~~

~~4. Wholesale lumber yards.~~

~~5. Meat packing & meat processing, subject to the provisions of Section 855-N.~~

G. Microwave relay Structures

SECTION 843.1 – USES PERMITTED

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

A. RELATED USES

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

- d. ~~Medical~~
- e. ~~Professional~~

20. ~~New and used recreational vehicle sales and service.~~

21. ~~Restaurants.~~

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

23. ~~Truck service stations.~~

24. ~~Truck driver's training schools.~~

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

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

C. MANUFACTURING

1. ~~Aircraft, modification, storage, repair and maintenance~~

2. ~~Automotive:~~

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

3. ~~Boat building and repairs.~~

4. ~~Book binding.~~

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

- l. — Plaster.
- m. — Plastic.
- n. — Shells.
- o. — Textiles.
- p. — Tobacco.
- q. — Wood.
- r. — Yarns.

12. — Manufacturing and maintenance of electric or neon signs

13. — Novelties.

14. — Planing mills.

15. — Printing shops, lithographing, publishing.

16. — Retail lumber yard.

17. — Rubber and metal stamps.

18. — Shoes.

19. **Stone monument works.**

20. **Storage yards:**

a. **Contractors storage yard.**

b. — Draying and freight yard.

c. — Feed and fuel yard.

d. — Machinery rental.

e. — Motion picture studio storage yard.

f. — Transit storage.

g. — Trucking yard terminal, except freight classifications.

21. — Textiles.

22. — Wholesaling and warehousing.

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

D. — PROCESSING

1. — Creameries.

2. — Laboratories.

3. — Blueprinting and photocopying.

4. — Laundries.

5. ~~Carpet and rug cleaning plants.~~
6. ~~Cleaning and dyeing plants.~~
7. ~~Tire retreading, recapping, rebuilding.~~
8. ~~Lumber drying kilns; gas, electric or oil fired only.~~
9. ~~Feather cleaning and storage of cleaned feathers within an enclosed structure.~~

E. FABRICATION

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

F. OTHER USES

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



EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Boghosian Family Trust

APPLICATION NOS.: Initial Study Application No. 5737 and Amendment Application No. 3768

DESCRIPTION: Allow the rezoning of a 39.09-acre parcel from the existing AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an M-2(c) (General Industrial, Conditional) Zone District to allow limited general and light industrial uses as requested by the Applicant.

LOCATION: The property is located on the south side of Lincoln Avenue approximately 1,231 feet east of S. Clovis Avenue and 2,616 feet north of the nearest city limits of the City of Fowler (5639 E. Lincoln Ave., Fowler, CA) (SUP. DIST. 4) (APN 340-100-15).

I. AESTHETICS

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

FINDING: NO IMPACT:

The subject property is currently planted in vineyard and is located within an agricultural area. No scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings were identified on or near the property. The property is located along Lincoln Avenue which is not designated as Scenic Highway in the County General Plan. The property is located 3,895 feet from Highway 99. The project will have no impact scenic resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves rezone of a 39.09-acre parcel from an AE-20 Zone District to an M-2(c) (General Industrial, Conditional) Zone District to allow, in the future, limited by-right industrial uses in the M-2 Zone District through Site Plan Review.

The “M-2” District is a general industrial district. It is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base and includes uses allowed in the M-1 Zone District. The “M-1” District is a light manufacturing district intended to provide for the development of industrial uses which are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to those residing in the area. The subject proposal would allow limited by-right industrial uses on the property that are least intensive in terms of generating traffic, odor, dust and sound compared to other by-right uses in the M-2 Zone District. Therefore, it is expected that the conditional rezone of the subject property from the AE-20 Zone District to an M-2 Zone District will have less impact on the surrounding land uses based on the uses proposed by this application.

The subject parcel is currently planted in vineyard with no improvements. Surrounding parcels contain field crops and orchards with single-family residences. The nearest single-family residences are located approximately 350 feet to the north and 530 feet to the west, and the existing industrial developments within Golden State Industrial Corridor are located approximately 2,292 feet to the west of the subject property. Visual impacts on the nearby residential development will be reduced to less than significant levels by adherence to General Plan Policy LU-F.31 which requires that all industrial uses located adjacent to planned non-industrial areas or roads carrying significant non-industrial traffic shall be designed with landscaping and setbacks comparable to the non-industrial areas. Landscaping and setback considerations to be phased with site development will be included as a Condition of Approval to address aesthetic incompatibilities with surrounding agricultural uses through mandatory Site Plan Review.

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject application involves no development and therefore no lighting impacts will result from this proposal. However, development of the uses proposed by this application could result in the creation of new sources of light and glare in the area and would be subject to Section 855-I.3.d. of the Zoning Ordinance, which requires outdoor lighting to be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or the living environment. This requirement will be included as a mitigation measure and be addressed through Site Plan Review.

* **Mitigation Measure**

1. *All outdoor lighting associated with development of industrial uses on the site shall be hooded and directed downward so as to not shine toward adjacent property and public streets.*

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 subject property is not forest land or timberland. Designated as Prime Farmland in the 2010 Fresno County Important Farmland Map, the property is not subject to a Williamson Act Land Conservation Contract. Adjoining cultivated farmland to the north, south, east, and west are also designated as Prime Farmland in the 2010 Fresno County Important Farmland Map.

The subject property is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance and is designated Industrial within the Golden State Industrial Corridor. The proposed rezoning from the AE-20 Zone District to an M-2(c) (General Industrial, Conditional) Zone District is compatible with the industrial designation.

General Plan Policy LU-A.1 requires that the County shall maintain agriculturally-related areas for agriculture uses and shall direct urban growth closer to areas where public facilities and infrastructures are available. Policy LU-A.12 requires that the County shall protect agricultural activities from encroachment of incompatible land uses. Although challenges related to these Policies do exist for this application in that the project site is designated as prime farmland and is situated away from urban services, loss of farm land due to the proposed rezoning from agricultural to industrial has not been determined to be a significant and unavoidable impact. More important, the property is located within the Golden State Industrial Corridor which was established to permit industrial development. All agricultural lands within the Industrial Corridor are either already built or planned for, and are to be built with industrial uses in the future. Section X Land Use and Planning has additional discussion regarding General Plan Policies.

The potential impact of the proposed rezone to farming operations in the area will be limited. The proposal would allow limited by-right general industrial and light manufacturing uses in the M-2 Zone District, some of which will be supportive of agriculture. The proposed uses, which mainly includes storage and transportation of farm products, are not only incidental to farming operations in the area, but also similar to the uses that currently exist on the properties to the west within the Golden State Industrial Corridor.

The Fresno County Department of Agriculture reviewed the proposal and indicated that rezone of the subject parcel will encourage industrial development on the surrounding parcels. As noted above, the subject parcel is located within the Golden State Industrial Corridor which allows Industrial developments on agricultural land, subject to rezoning. Rezoning of any agricultural land outside the boundaries of the Industrial Corridor is discouraged by the County General Plan and will not be impacted by this proposal.

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; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the proposal and indicated that while the proposed rezone would not have an impact on the air quality, future development of the proposed industrial uses would have adverse impact on air quality. The significance of those impacts, however, cannot be determined at this time. Therefore, the District requested further environmental review, including assessment of criteria pollutant emissions. Staff notes that only a limited number of uses are proposed with this rezoning.

The Air District also indicates that future development projects shall be subject to District Rule 9510 (Indirect Source Review) if upon full build-out development would include 25,000 square feet of light industrial space and 100,000 square feet of heavy industrial space. If the subject proposal constitutes the last discretionary approval by the County for the uses proposed, demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of first building permit, shall be made a condition of project approval.

Given the uses proposed by this application are by-right uses in the M-2 Zone District requiring no discretionary approval, the following Mitigation Measure would ensure compliance with District Rule 9510 through mandatory Site Plan Review prior to site development.

* **Mitigation Measure:**

1. *For all the uses proposed by this application, consultation with the San Joaquin Valley Air Pollution Control District (Air District) shall occur through the mandatory Site Plan Review process to determine if and when an Air Impact Assessment for District Rule 9510 will be completed for the development, and to determine the applicability of any mandatory requirements or regulations administered through the Air District.*

The individual development projects may also be subject to the following District rules: District 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).

- 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: NO IMPACT:

Approximately 38.09 acres of the subject property are planted in vineyard, while the remaining one acre lies vacant and unfarmed. The property has been actively farmed over the years and contains no improvements and no water channels. Therefore, it is

unlikely that any wildlife species, including fish and rare or endangered plants, are present on the property.

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

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

FINDING: NO IMPACT:

The proposed project does not conflict with any local policies or ordinances protecting biological resources. The project site is not located in an area subject to a 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?

FINDING: NO IMPACT:

The subject parcel is not located in an area designated to be highly or moderately sensitive for archeological resources and has been disturbed by agricultural uses. No impact on historical, archeological, or paleontological resources would result from this proposal.

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

FINDING: NO IMPACT:

The project will have no impact on tribal cultural resources as defined in Public Resources Code Section 21074.

VI. GEOLOGY AND SOILS

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

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

FINDING: NO IMPACT:

The project site is not located near a known fault line or an area of known landslide hazard according to the Figures 9-2 and 9-6 of the Fresno County General Plan Background Report.

- 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 through subsequent Site Plan Review.

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

FINDING: NO IMPACT:

The project site is not located in an area subject to landslide hazards or subsidence according to Figure 9-6 of the Fresno County General Plan Background Report.

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

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located in area with soils exhibiting moderately high to high expansion potential.

- 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: LESS THAN SIGNIFICANT IMPACT:

No community sewer and water services are available to the property at this time. The property is located within the Sphere of Influence of the Selma-Kingsburg-Fowler Sanitation District (SKFSD). According to SKFSD, the property is not contiguous to the District boundaries and there is no accessible public sewer within 200 feet of the parcel.

The Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the proposal and requires that only low-water uses and uses that generate small amounts of liquid waste shall be permitted until the property is served by a community sewer and water system or adequate information is submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes. This will be included as a Condition of Approval.

Furthermore: 1) the applicant consider having the existing septic tank pumped and have the tank and seepage pit(s) and/or leach lines (septic system repair seepage pit installed in 1972) evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years to allow possible repairs, additions, or require the proper destruction of the system; and 2) future use of the septic system should require an evaluation of the existing system for adequacy to serve the proposed uses. These requirements will be included as Project Notes.

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: LESS THAN SIGNIFICANT IMPACT:

The subject rezone from an AE-20 Zone District to a conditional M-2 Zone District will have no impact on the air quality.

However, the future development proposals may have impacts on greenhouse gas emission. Therefore, additional review and greenhouse gas emissions determination by the Air District will be required and conducted through Site Plan Review prior to site development as noted in Section III. A. B. C. D. Air Quality.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the project and requires that: 1) future tenants proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; 2) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507; 3) future tenants shall be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities, Chapter 19; and Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle); and 4) future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. These will be included as Project Notes.

The project is not located within one quarter-mile of a school. The nearest school, Fowler High School, is approximately 1.32 miles southeast 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.

- 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 fire 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:

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

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

The Regional Water Quality Control Board, Central Valley Region and State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) also reviewed the proposal and expressed no water quality concerns related to the future development proposals.

- 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 property is not located in a water-short area. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning expressed no concerns relating to water availability and sustainability for future development proposals. As noted above in Section VI. E. Geology and Soils, the project will be limited to only low-water uses and uses that generate small amounts of liquid waste. The project will have a less than significant impact on ground water resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No stream or river is located on or near the subject property. According to the Fresno Irrigation District (FID) a privately-owned canal known as Wilkins Canal No. 236 runs along the easterly edge of the subject property. Prior to any development near the Canal, consultation with FID will be required. This will be included as a Condition of Approval.

- 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 proposals allowed by this application will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. Site drainage requirements appropriate to the proposed uses will be addressed through subsequent Site Plan Review.

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

FINDING: NO IMPACT:

See discussion in IX. A. above.

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

FINDING: NO IMPACT:

No housing is proposed with this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 2139H, the southwest portion of the property is within Flood Zone A, subject to flooding from the 100-year storm. No net import of fill shall be allowed within the flood zone, and any work within the designated Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. This will be included as a Project Note.

- 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 located approximately 2,616 feet north of the City of Fowler.

- 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 NO IMPACT:

The subject property is located within the Golden State Industrial Corridor in the County General Plan and is designated Industrial. Likewise, the property is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) district in the County Zoning Ordinance and is located within the City of Fowler Sphere of Influence. The subject proposal would rezone the property from the AE-20 Zone District to the M-2(c) (General Industrial, Conditional) Zone District to allow for limited general industrial and light industrial uses on the property consisting of baled cotton storage, building materials, used materials and contractor's storage yard, public utility service yards, microwave relay structures, advertising structures and signs, caretaker's residence, farm equipment sales and service, commercial grain elevators, stone monument works, agricultural uses, communication equipment buildings, electric transmission and

distribution substations, telephone booths, and water pump stations. The following General Plan policies apply to the project:

Policy LU-A.1 requires that the County shall maintain agriculturally-related areas for agriculture uses and shall direct urban growth closer to areas where public facilities and infrastructures are available.

The subject 39.09-acre project site is designated as Prime Farmland in the 2010 Fresno County Important Farmland Map and regularly cultivated. Loss of 39.09 acres prime farmland due to the proposed rezone from agricultural to industrial was not determined to be a significant as the property is within the Golden State Industrial Corridor exclusively established for industrial developments. All agricultural land within the Industrial Corridor, including the subject property, are planned for and are to be built with industrial uses with public utilities eventually provided by Selma-Kingsburg-Fowler Sanitation District (SKFSD) and the City of Fowler.

Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses. The subject proposal is located within the Golden State Industrial Corridor and is compatible with the industrial designation. Any buffering such as landscaping or walls necessary for subsequent uses proposed by this application will be addressed through mandatory Site Plan Review.

Policy LU-F.29, criteria a. b. c. d. states that the County may approve rezoning requests and discretionary permits for new industrial developments subject to the following criteria: a) operational measures or specialized equipment to protect public health and safety and to reduce adverse impact of noise, odor, vibration, smoke, smoke, heat and glare, and other pollutants on abutting properties; b) provisions of adequate off-street parking; c) maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from the abutting properties; and d) limitations on the use size, time of operation or length of permits.

This proposal would allow limited and least intensive by-right industrial uses in the M-2 Zone District that are incidental to the farming operations, and that are expected to produce the least amount of noise, odor, vibration, smoke, heat and glare to impact the surrounding farmlands with single-family dwellings. The uses proposed by this application will adhere to the M-2 Zone District property development standards (parking, etc.) and will be analyzed against these standards during mandatory Site Plan Review.

Policy LU-F.30 states that the County shall generally require community sewer and water services for industrial development. Though currently unavailable, the property is likely to be connected with Selma-Kingsburg-Fowler Sanitation District sewer facilities and City of Fowler water facilities in the future. Until that occurs, a condition of approval included in Section VI. E. of this analysis would allow only low-water uses on the property and uses that generate only small amounts of liquid waste unless adequate information is submitted to the Fresno County Department of Public Health and Department of Public Works & Planning to demonstrate that the property can accommodate higher volumes of liquid wastes.

Policy LU-F.36 states that the County may approve rezoning within the Golden State Industrial Corridor subject to the following criteria: a) a proposal for development within a city's sphere of influence shall be referred to the appropriate city and sanitation district for annexation; b) all applications for industrial development within a city's sphere of influence shall be referred to that city for review and recommendation; c) the county may approve the zoning where a sanitation district determines to provide service or the County Health Officer and/or State Water Resources Control Board, Division of Drinking Water determines that service is necessary; d) properties lying easterly of the Southern Pacific railroad shall be designed to provide railroad spur access or provide for future railroad extensions; and e) where proposed industrial zoning or development is adjacent to existing non-industrial uses, policies contained in LU-F.29 a, b, c, and d shall apply.

Regarding criteria a, b and c, the subject property is within the Sphere of Influence of the City of Fowler and Selma-Kingsburg-Fowler Sanitation District (SKFSD). The project was referred to the City for possible annexation, but was released for development in the County on November 6, 2006. The property is not contiguous to the SKFSD boundaries, or within 200 feet of the accessible public sewer, or located near City of Fowler water facilities. For those reasons, the property development will be limited to the uses that generate small amounts of liquid waste until such time the property is served by community sewer and water systems. Further, the property is being conditioned to a limited number of uses. Regarding Criteria d, design of the future development proposals may include railroad spur access or provide for future railroad extension. Regarding Criteria e, the proposal meets Policy LU-F.29 a, b, c, and d. as discussed above.

Policy LU-G.14 states that the county shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation and provisions of any applicable city/county memorandum of understanding.

As noted above, the subject property is within the City of Fowler Sphere of Influence (SOI). In accordance with the subject policy and the Memorandum of Understanding (MOU) between the County and the City of Fowler, the project was referred to the City of Fowler for possible annexation. The City released the project to the County for processing on November 6, 2006 citing development of the parcel may be premature and other land in the Williamson Act Contract prohibits annexation and logical, efficient growth of industrial uses. However, in order to protect public health, safety and general welfare, the City recommends that the property development be consistent with the City of Fowler standards, that the Applicant sign an agreement to annex to the City when feasible, and that the City review all site plans and land use approval. Regarding City comments, the County policy does not require the Applicant to sign a no-objection agreement for future annexation of the property with the city. However, prior to site development, all individual development proposals allowed by this application and that require Site Plan Review will be routed to the City for review and comments.

Policy PF-C.17 states that prior to consideration of any discretionary project related to land use, the County shall 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 not located 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 expressed no water-related concerns with the project.

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

FINDING: NO IMPACT:

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

XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

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

XII. NOISE

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

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise for the uses proposed by this application.

- 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. above.

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 the uses proposed by this application will be addressed through mandatory Site Plan Review.

- 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: LESS THAN SIGNIFICANT IMPACT:

The Design Division of the Department of Public Works and Planning and the California Department of Transportation reviewed the proposal and stated that the proposed uses are not anticipated to generate a significant number of trips and required no Traffic Impact Study for the project. No other concerns were expressed by either agency. The project will have a less than significant impact on County or State roadways.

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

FINDING: NO IMPACT:

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

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The project site fronts Lincoln Avenue which is a local road with an existing 25 feet of right-of-way south of the section line.

The subject application involves no development, although subsequent development could occur with approval. Any issue related to traffic hazards due to design features, including emergency access requirement for the future development projects, will be addressed through subsequent Site Plan Review.

According to the Development Engineering Section of the Department of Public Works and Planning, an encroachment Permit shall be obtained from Road Maintenance and Operations Division of the Department of Public Works and Planning for any work done

within the right-of-way to construct a new driveway or improve an existing driveway. This requirement will be addressed through Site Plan Review.

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

FINDING: LESS THAN SIGNIFICANT 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: LESS THAN SIGNIFICANT 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 impacts on solid waste were identified in the analysis of this proposal.

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 other than aesthetics and air quality. These impacts will be addressed with the mitigation measures discussed in Section I. D., and Section III. A. B. C. D. of this 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 Application No. 5737 prepared for Amendment Application No. 3768, 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 biological resources, cultural resources, mineral resources, noise, population and housing, public services or recreation.

Potential impacts related to agricultural and forestry resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, transportation/traffic and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and air quality have been determined to be less than significant with the identified mitigation measure.

A Mitigated 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" Street, Fresno, California.

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