



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 10:30 AM COUNCIL MEETING 2-26-08
APPROVED BY 
DEPARTMENT DIRECTOR
CITY MANAGER

February 26, 2008

FROM: NICK P. YOVINO, Director
Planning and Development Department

BY: GILBERT J. HARO, Planning Manager
Planning Division

BRUCE BARNES, Project Manager
Planning Division

SUBJECT: CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENT NO. TA-07-02 AND ENVIRONMENTAL FINDING RELATED TO THE "ANX" ANNEXED RURAL RESIDENTIAL TRANSITIONAL OVERLAY DISTRICT

RECOMMENDATION

Staff recommends that the City Council:

1. APPROVE the environmental finding for Environmental Assessment No. TA-07-02 dated November 20, 2007 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130).
2. APPROVE Text Amendment No. TA-07-02, adding the ANX Annexed Rural Residential Transitional Overlay District to the City's zoning ordinance.

EXECUTIVE SUMMARY

This text amendment proposes to create the "ANX" Annexed Rural Residential Transitional Overlay District. The "ANX" overlay district is intended to protect existing rural residential land uses upon annexation into the City and allows for those rural residential land uses to continue until such time as the properties are further developed consistent with the Fresno 2025 General Plan. Rural Residential land uses are defined as a residential land use on parcels located in a semi-rural environment consistent with an unincorporated area which allows for the keeping of farm animals, and incidental agricultural activities and agricultural buildings.

The regulations of the "ANX" transitional overlay district are deemed to be necessary in order to assist and insure compatibility with the goals, policies and findings of the 2025 Fresno General Plan related to orderly growth of the city; the more efficient use of resources, the infrastructure, and municipal facilities. The "ANX" overlay district may be applied to any appropriate property that was annexed into the City of Fresno after December 31, 2006.

PROJECT DESCRIPTION

Text Amendment No. TA-07-02 proposes to add the ANX Annexed Rural Residential Transitional Overlay District to the Zoning Ordinance (Fresno Municipal Code) as described above.

BORDERING PROPERTY INFORMATION

City-wide application.

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan. These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The study indicates that the project, if approved, would conform to the land use designation and land use policies of the 2025 Fresno General Plan and is within the scope of the Master Environmental Impact Report No. 10130. Therefore, staff has issued a finding of conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), dated November 20, 2007, which incorporates a MEIR Mitigation Monitoring Checklist. This environmental finding was properly published and noticed on November 20, 2007, with no comments received to date.

PLANNING COMMISSION ACTION

This text amendment was presented to the Fresno City Planning Commission on December 18, 2007 and at that hearing the Planning Commission unanimously recommended approval of Text Amendment No. TA-07-02 to the Fresno City Council.

PLAN IMPLEMENTATION COMMITTEES

Plan Implementation Committees from Council Districts 1, 2, 3, 4 and 6 met independently to discuss and consider Text Amendment No. TA-07-02. Each committee recommended that the City Council approve the amendment. These Council District Plan Implementation Committees were involved in the review of the ordinance since these districts are located on the urban fringe where this ordinance would typically apply. It is noted that District 5 does not have a Committee and District 7 is already urbanized.

AIRPORT LAND USE COMMISSION ACTION

This text amendment was presented to the Fresno County Airport Land Use Commission (ALUC) on February 4, 2008 for review as to consistency with their adopted plans. At the ALUC hearing, the text amendment was approved as presented.

BACKGROUND/ANALYSIS

As provided by Section 12-402 of the Fresno Municipal Code, the text amendment was initiated by the Planning and Development Department Director on November 8, 2007. This text amendment proposes to create the "ANX" Annexed Rural Residential Transitional Overlay District. The "ANX" overlay district is intended to protect existing rural residential land uses upon annexation into the City

and allows for those rural residential land uses to continue until such time as the properties are further developed consistent with the Fresno 2025 General Plan. Rural Residential land uses are defined as a residential land use on parcels located in a semi-rural environment consistent with an unincorporated area which allows for the keeping of farm animals, and incidental agricultural activities and agricultural buildings.

In the past, many of the unincorporated properties within the City's Sphere of Influence have been divided into one to five acre parcels as permitted by Fresno County. However, developers generally attempt to purchase larger parcels of 20 to 40 acres as they are more conducive to development. As a result, it is common that the larger vacant "developable" parcels are surrounded by smaller 1-5 acre parcels with rural homes or "ranchettes". These ranchettes properties typically include a rural home with rural permitted uses such as barns, corrals, and pens for cows, horses, sheep, poultry and the raising of crops.

The Fresno County Local Agency Formation Commission (LAFCo) is the responsible agency for annexations. LAFCo and the County of Fresno have recently implemented policies which affect the annexation process, making the annexation process more complicated for proposed City projects. LAFCo and the County are now more diligently attempting to require developers of larger parcels to "square off" city/county boundaries by annexing many more of these ranchette properties. The property owners of these ranchette properties are likely to oppose an annexation when they realize that their "rural lifestyle" (i.e. their barns, corrals, pens for cows, horse, sheep and poultry, raising crops, etc) may be threatened by the more restrictive urban zoning that would typically be placed on their property upon annexation.

Therefore, to facilitate the annexation process, and hence the implementation of the City's General Plan, the "ANX" Annexed Rural Residential Transitional Overlay District is proposed to allow the City to prezone these ranchette properties consistent with the General Plan, but also allow the City to apply the "ANX" Annexed Rural Residential Transitional Overlay District, so the property owner can continue to enjoy the rural lifestyle to which they have grown accustomed. This overlay zone district allows the property owner to make a gradual transition, over time, from a rural lifestyle to an urban lifestyle. It allows the property owner the flexibility to keep their rural lifestyle until they decide to "intensify" the use of their property (i.e subdivision map, site plan, conditional use permit) at which point the "ANX" Annexed Rural Residential Transitional Overlay District would be removed and the underlying zone district regulations would apply.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. Upon consideration of this evaluation, it can be concluded that Text Amendment No. TA-07-02 is appropriate for the subject properties.

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT
INITIAL STUDY AND FINDING OF CONFORMITY / MEIR NO. 10130**

<p>Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan</p>	<p>DATE RECEIVED FOR FILING</p>
	<p>FILED</p> <p>NOV 20 2007</p> <p><i>Shirley Warrick</i> FRESNO COUNTY CLERK DEPUTY</p>
<p>Applicant: City of Fresno Planning and Development Department 2600 Fresno Street, Third Floor Fresno, California 93721</p>	<p>Initial Study Prepared By: Bruce Barnes, Project Manager November 20, 2007</p>
<p>Environmental Assessment Number: Text Amendment to Zoning Ordinance TA-07-02</p>	<p>Project Location (Including APN): Unincorporated Territory within the City's Sphere of Influence</p>

Project Description:

The City of Fresno has initiated, pursuant to the provisions of Section 12-402-A of the Fresno Municipal Code (FMC), proceedings to consider amending the text of the Zoning Ordinance which creates an "ANX" Annexed Rural Residential Transitional Overlay District. In this District, Rural Residential shall be defined as a residential land use on parcels located in a semi-rural environment consistent with an unincorporated area which allows the use of the keeping of farm animals, and incidental agricultural activities and agricultural buildings. The "ANX" transitional overlay district is intended to allow rural residential land uses for properties upon annexation to the City and allows for those rural residential land uses to continue until such time as the properties are further developed consistent with the Fresno 2025 General Plan. The regulations of the "ANX" transitional overlay district are deemed to be necessary in order to assist and insure: compatibility with the goals, policies and findings of the 2025 Fresno General Plan related to orderly growth of the city; the more efficient use of resources, the infrastructure, and municipal facilities. The purpose of the "ANX" transitional overlay district is to provide special standards which will protect the rural residential lifestyle during a transitional period. The "ANX" overlay district may be applied to any appropriate property that was annexed into the City of Fresno after December 31, 2006.

Background:

In the unincorporated territory within the City's Sphere of Influence, (henceforth the urban fringe) developers often purchase 20 acre vacant "developable" parcels surrounded by smaller 1-2 acre parcels with rural homes or "ranchettes". These ranchettes properties typically include a rural home with rural permitted uses such as barns, corrals, and pens for cows, horses, poultry and the raising of crops.

The Fresno County Local Agency Formation Commission (LAFCo) is the responsible agency for annexations. LAFCo and the County of Fresno has recently implemented policies which affect the annexation process, making the annexation process more complicated for proposed City projects. First, LAFCo now requires all territory to be

annexed, even "built out" properties, to be "prezoned" consistent with the City's General Plan. Second, LAFCo and the County now require developers to "square off" boundaries by annexing many more of these ranchette properties. The result of the implementation of these policies is that in most instances the territory to be annexed is now considered "inhabited", which is defined as territory in which 12 or more registered voters reside pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. As such, these registered voters are more likely to oppose and "vote down" annexations when they realize that their "rural lifestyle" (i.e. their barns, corrals, pens for cows, horse and poultry, raising crops, etc). is threatened by the more restrictive zoning, typically the R-1 zone district (*Single-Family Residential*), which prohibits such land uses.

Therefore, to facilitate the annexation process, and hence the implementation of the City's General Plan, the "ANX" Annexed Rural Residential Transitional Overlay District is proposed to allow the City to prezone these ranchette properties consistent with the General Plan (typically to the R-1 zone district), but also allows the Planning Director, in consultation with the property owner, to apply the "ANX" Annexed Rural Residential Transitional Overlay District so the property owner can continue to enjoy the rural lifestyle to which they have grown accustomed. This overlay zone district allows the property to make a gradual transition, over time, from a rural lifestyle to an urban lifestyle. It allows the property owner the flexibility to keep the rural lifestyle until they decide to "intensify" the use of the property (for example by subdividing their property), at which point the "ANX" Annexed Rural Residential Transitional Overlay District is removed and the underlying zone district regulations apply.

Conformance to Master Environmental Impact Report (MEIR NO. 10130):

The recently adopted 2025 Fresno General Plan designates the subject properties for various planned land uses. While the proposed zone district upon annexation shall conform to the existing planned land use designation, the "ANX" Annexed Rural Residential Transitional Overlay District, if applied, will allow the property to continue to enjoy uses permitted as if the property were in the R-A (*Single-Family Residential-Agricultural*) District which allows for the raising of agricultural crops, and a limited number of bovine (cows) and equine (horses) and poultry animals housed in barns, corrals and pens. Since these land uses are already established in the County, and the property is simply changing jurisdictions (i.e. from the County to the City) it is appropriate that the land uses be allowed to continue for a determinate period of time in order to facilitate the implementation of the Fresno 2025 General Plan.

The "ANX" Annexed Rural Residential Transitional Overlay District is supported by the following sections of the Fresno 2025 General Plan:

Implementation Element

"Zoning is one of the most important tools for implementing the land use policies in the general plan. It operates as a staging mechanism, gradually moving from current land use patterns to those envisioned in the General Plan."

The proposed "ANX" Annexed Rural Residential Transitional Overlay District will do exactly as this policy intends, gradually moving from current rural residential type land use patterns to those envisioned in the General Plan with the urban development of the subject properties.

Regional Cooperation Element

"The Fresno Local Agency Formation Commission (LAFCo). LAFCo policies encourage orderly...urban development."

The City supports orderly development and logical urban boundaries. The proposed "ANX" Annexed Rural Residential Transitional Overlay District helps to create orderly development and logical urban boundaries by encouraging properties in the urban fringe to be annexed into the City.

Relationship to General Plan-Land Use/Sphere of Influence/ Policy C-2-k

"Establish a comprehensive planning strategy for the West Area Community Plan (Appendix W) to support an emerging urban community within an area that has been historically subjected to inconsistent planning and development policies as an unincorporated semi-rural component of the metropolitan area."

The "ANX" Annexed Rural Residential Transitional Overlay District is considered part of the comprehensive strategy for planning in a semi-rural area such as the West Area Community Plan.

Appendix W / West Area Community Plans

"Goal: Develop the West Area as a planned community with a complete range of services and facilities for the needs of the community residents.....with special emphasis on minimization of land use conflicts between agricultural and urban uses."

W-1 Objective: Promote compatibility between areas planned for, or committed to, active farming operations and areas planned for urban development."

W-1-a Policy: Boundaries of planned urban uses should be drawn in order to prevent "peninsular effects" (i.e. intrusions of farmland into urban areas, or vice-versa).

W-1-b Policy: Develop a program to encourage project development proposals which result in the in-filling of existing urban areas, including small parcels of farmland which have become surrounded by urban uses."

The Proactive Annexation Program has been developed so the City can pursue effective, timely, efficient annexations to the City, including but not limited to "squaring off" annexation boundaries. The "ANX" Annexed Rural Residential Transitional Overlay District is a key component for dealing with its ability square off boundaries which has become necessary in the entire urban fringe, but even more so in the West Area due to the widespread proliferation of ranchette type development. The "ANX" Annexed Rural Residential Transitional Overlay District accomplishes two very important roles: First, it allows a ranchette property owner to be annexed to the City while retaining the rural

lifestyle and second, it permits the City (and LAFCo) to create logical annexation boundaries.

The Planning and Development Department staff has prepared an initial study and environmental checklist and evaluated the "ANX" Annexed Rural Residential Transitional Overlay District application in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan and the related Master Environmental Impact Report (MEIR) No. 10130. The subject properties are currently undeveloped or developed with mostly rural residences and will remain so until further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the parcels. Thus, the "ANX" Annexed Rural Residential Transitional Overlay District application will not facilitate an additional intensification of uses beyond that which already exists. Additionally, it is not expected the "ANX" Annexed Rural Residential Transitional Overlay District will displace development as it can be removed whenever a property owner seeks to develop or intensify the use of his or her property and the property will already be zoned based upon its adopted land use. Moreover, it is not expected that the "ANX" Annexed Rural Residential Transitional Overlay District will adversely impact existing city service systems or the traffic circulation system that serves the subject properties. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b) (2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to this specific project proposal, the environmental impacts noted in the MEIR, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the planned land use designation specified for the subject properties.

Based on this initial study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR (as indicated on the attached Environmental Assessment Checklist) for the following reasons.

The city's investigation of the parcels and the project have revealed that there are no unique topographic, soil, or geological conditions on the properties that will be impacted by this project, that there are no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MEIR. The sites are located in the unincorporated areas of the County and are within the City of Fresno of Sphere of Influence. There is no evidence that the properties contain any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings, or historic resources. The project is consistent with the 2025 Fresno General Plan land use designation for the properties.

As such, the MEIR's mitigation measures related to air quality, water, noise, light and glare, transportation and circulation, and urban services have been applied to this project. There is no evidence that the properties are subject to flooding, contain any hazardous materials, or that the project will generate or release hazardous substances beyond those already analyzed by the MEIR, or result in an adverse change in course of flow of flood waters.

Finally, this project is located in an area planned for urban development. As such, there is no evidence that this project will have any visual impacts on any scenic vistas or views. Thus, the scope of the work and impacts to the properties and surrounding area were fully analyzed under the MEIR. As a result, (3) no new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR, as explained above. Therefore, the project proposal is within the scope of the MEIR as defined by Section 15177 of the CEQA Guidelines.

Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177 (d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 shall apply to the project proposal as noted in the attached mitigation monitoring checklist. Public notice has been provided regarding staff's finding in a manner prescribed by this section of the Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).


Gilbert J. Haro
Planning Manager
City of Fresno

Nov. 20, 2007

Attachments: Environmental Checklist/Initial Study for Environmental Assessment No. TA-07-02
Mitigation Monitoring Checklist (MEIR) No. 10130 for Environmental Assessment No. TA-07-02

**ENVIRONMENTAL ASSESSMENT (EA) CHECKLIST
POTENTIAL ENVIRONMENTAL EFFECTS
EA NO. TA-07-02 ANX Transitional Overlay District**

<u>1.0</u>	<u>TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS</u>	<u>11.0</u>	<u>URBAN SERVICES</u>
<u>1</u> 1.1	Geologic hazards, unstable soil conditions	<u>1</u> 11.1	Availability of fire protection
<u>1</u> 1.2	Adverse change in topography or ground surface relief	<u>1</u> 11.2	Lack of emergency vehicle access
<u>1</u> 1.3	Destruction of unique geologic or physical features	<u>1</u> 11.3	Adequacy of design for crime prevention
<u>1</u> 1.4	Increased water erosion	<u>1</u> 11.4	Overcrowding of school facilities
<u>2.0</u>	<u>AIR QUALITY</u>	<u>1</u> 11.5	Availability of water mains of adequate size
<u>1</u> 2.1	Substantial indirect source of pollution	<u>1</u> 11.6	Availability of sewer lines of adequate capacity
<u>1</u> 2.2	Direct on-site pollution generation	<u>1</u> 11.7	Availability of storm water drainage facilities (on or off site)
<u>1</u> 2.3	Generation of objectionable odors	<u>1</u> 11.8	Availability of adequate park and recreation areas
<u>1</u> 2.4	Generation of dust except during construction	<u>1</u> 11.9	Unusually high solid waste generation
<u>1</u> 2.5	Adverse local climatic changes	<u>12.0</u>	<u>HAZARDS</u>
<u>3.0</u>	<u>WATER</u>	<u>1</u> 12.1	Risk of explosion or release of hazardous substances
<u>1</u> 3.1	Insufficient ground water available for long-term project use	<u>1</u> 12.2	Site subject to flooding
<u>1</u> 3.2	Use of large quantities of ground water	<u>1</u> 12.3	Adverse change in course of flow of flood waters
<u>1</u> 3.3	Wasteful use of ground water	<u>1</u> 12.4	Potential hazards from aircraft accidents
<u>1</u> 3.4	Pollution of surface or ground water supplies	<u>1</u> 12.5	Potential hazards from landfill and/or toxic waste sites
<u>1</u> 3.5	Reduction in ground water recharge	<u>13.0</u>	<u>AESTHETICS</u>
<u>4.0</u>	<u>PLANT LIFE</u>	<u>1</u> 13.1	Obstruction to public or scenic vista or view
<u>1</u> 4.1	Reduction of the numbers of any unique, rare or endangered species	<u>1</u> 13.2	Creation of aesthetically offensive conditions
<u>1</u> 4.2	Reduction in acreage of agricultural crop	<u>1</u> 13.3	Removal of street trees or other valuable vegetation
<u>1</u> 4.3	Premature or unnecessary conversion of prime agricultural land	<u>1</u> 13.4	Architectural incompatibility with surrounding area
<u>5.0</u>	<u>ANIMAL LIFE</u>	<u>14.0</u>	<u>HISTORICAL / ARCHAEOLOGICAL</u>
<u>1</u> 5.1	Reduction in the numbers of any rare, unique or endangered species	<u>1</u> 14.1	Removal of historic building, disruption of archaeological site
<u>1</u> 5.2	Deterioration or displacement of valuable wildlife habitat	<u>1</u> 14.2	Construction or activity incompatible with adjacent historic site
<u>6.0</u>	<u>HUMAN HEALTH</u>	<u>15.0</u>	<u>ENERGY</u>
<u>7.0</u>	<u>NOISE</u>	<u>1</u> 15.1	Use of substantial amounts of energy or fuel
<u>1</u> 7.1	Increases in existing noise levels	<u>1</u> 15.2	Substantial increase in demand upon existing sources of energy
<u>1</u> 7.2	Exposure to high noise levels	<u>1</u> 15.3	Wasteful use of energy
<u>8.0</u>	<u>LIGHT AND GLARE</u>		
<u>1</u> 8.1	Production of glare which will adversely affect residential areas		
<u>1</u> 8.2	Exposure of residences to high levels of glare		
<u>9.0</u>	<u>LAND USE</u>		
<u>1</u> 9.1	Incompatibility with adopted plans and policies		
<u>1</u> 9.2	Acceleration of growth rate		
<u>1</u> 9.3	Induces unplanned growth		
<u>1</u> 9.4	Adverse change in existing or planned area characteristics		
<u>10.0</u>	<u>TRANSPORTATION AND CIRCULATION</u>		
<u>1</u> 10.1	Generation of vehicle traffic sufficient to cause capacity deficiencies on existing street system		
<u>1</u> 10.2	Cumulative increase in traffic on a major street for which capacity deficiencies are projected		
<u>1</u> 10.3	Specific traffic hazard to motorists, bicyclists, pedestrians		
<u>1</u> 10.4	Routing of non-residential traffic through residential area		
<u>1</u> 10.5	Insufficient or poorly located parking		
<u>1</u> 10.6	Substantial increase in rail and/or air traffic		

EXPLANATION OF RATINGS

- “0” Insufficient Information**
Insufficient information is available to determine the potential environmental effects which may result from the proposed project in this category.
- “1” No significant Environmental Effect**
The proposed project will not have an adverse environmental effect in this category, or any such effect is not substantially unusual or of undesirable magnitude. This rating is also utilized in cases where the category is not applicable to the particular project under consideration.
- “2” Moderate Environmental Effect**
The proposed project will have an adverse environmental effect in this category, which is of sufficient magnitude to be of specific concern. However, this effect is not substantial enough in itself to require the preparation of an Environmental Impact Report, and is mitigable through project changes and conditions.
- “3” Significant Adverse Environmental Effect**
The environmental effect identified in this category substantiates in itself or contributes towards a finding that the proposed project has a potentially significant adverse effect on the environment sufficient to require the preparation of an Environmental Impact Report.

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit "E", thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

NOTE: Letters B-Q in mitigation measures refer to the respective section of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.		X				
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.		X				
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.		X				

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <p>a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</p> <p>b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.</p>	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X	X				
<p>B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.</p>	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.		X			X	
<p>B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.</p>	Prior to approval or prior to funding of major street project.	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X				X	
<p>B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.</p>	Ongoing	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X				X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.	Ongoing	Planning and Development Department	X		X	X	X	
C-2. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express			X	X	X	
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments	X		X		X	
D-1. The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept			X		X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Department of Public Utilities and Planning and Development Department		X			X	
D-3. The City shall implement the Fresno Metropolitan Water Resources Management Plan and update this plan as necessary to ensure the cost-effectiveness use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities			X		X	
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban storm water pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department		X			X	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods.	Ongoing	Planning and Development Department					X	
D-6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Construction in this area from being damaged by the intensity of flooding in the riverbottom; and, b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and, c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department					X	
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department					X	
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management of all sources of water available to the planning area which is periodically updated to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development.	Ongoing	Department of Public Utilities					X	
D-9. If the City is unable to renew its 60,000-acre foot USBR water supply contract due to the city's Charter meter prohibition, replacement water supplies and/or conservation measures of equal benefit shall be secured.	Ongoing	Department of Public Utilities					X	
D-10. The City will conform to the requirements of Waste Discharge Requirements Order No. 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department					X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department					X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department					X	
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department					X	
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department			X		X	
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities					X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities					X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities			X		X	
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement application	Dept. of Public Utilities and Planning and Development Department			X		X	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities			X		X	
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.					X	
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept./Planning and Development Dept.					X	
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.					X	
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.					X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

Date: NOVEMBER 20, 2007

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I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.					X	
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.					X	
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.					X	
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.					X	
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.					X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

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**Project/EA No. TA-07-02
Mitigation Monitoring Checklist**

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<p>J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologists' recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.</p>	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X					
<p>J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.</p>	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X					
<p>J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.</p>	Ongoing	Planning and Development Dept./ Historic Preservation Staff	X					
<p>K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.</p>	Ongoing	Planning and Development Dept.					X	
<p>K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <ul style="list-style-type: none"> • Site Planning. See Chapter V for more details. • Barriers. See Chapter V for more details. • Building Designs. See Chapter V for more details. 	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.		X			X	
<p>K-3. The City shall continue to enforce the California Administrative Code, Title 24 Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	Ongoing/prior to building permit issuance	Planning and Development Dept.	X					
<p>L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	Ongoing	Planning and Development Dept.		X				

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

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Date: NOVEMBER 20, 2007

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N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X	X	
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X				X	

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA AMENDING SECTION 12-201 AND 12-203-A AND ADDING SUB-SECTION 12 TO SECTION 12-105-R, SECTIONS 12-245, 12-245.1, 12-245.2, 12-245.3, 12-245.4, AND, SECTION M TO SECTION 12-317 TO THE FRESNO MUNICIPAL CODE RELATING TO THE ADDITION OF THE "ANX" TRANSITIONAL OVERLAY DISTRICT FOR MAINTAINING THE RURAL RESIDENTIAL LIFESTYLE FOR ANNEXED PROPERTIES.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-201 of the Fresno Municipal Code is amended to read:

SECTION 12-201. DESIGNATION OF ZONING DISTRICTS. For the purposes related to the orderly development of the City of Fresno, and in order to carry out the provisions of this Zoning Ordinance, the city is hereby divided into zoning districts, which are designated as follows:

A. Land use districts:

SECTION	DISTRICT SYMBOL	DISTRICT TITLE
12-204	"O"	Open Conservation District
12-204.10	"AE-20"	Exclusive Twenty-Acre Agricultural District
12-205	"AE-5"	Exclusive Five Acre Agricultural District
12-206	"R-A"	Single Family Residential-Agricultural District
12-207	"R-1-A"	Single Family Residential District
12-208	"R-1-AH"	Single Family Residential District (Horses)
12-208.10	"R-1-E," and "R-1-EH"	Single Family Residential Estate District
12-209	"R-1-B"	Single Family Residential District
12-210	"R-1-C"	Single Family Residential District
12-211	"R-1"	Single Family Residential District
12-211.10	"R-2-A"	Low Density Multiple Family Residential District, One Story
12-212	"R-2"	Low Density Multiple Family Residential District
12-213	"R-3"	Medium Density Multiple Family Residential District
12-214	"R-4"	High Density Multiple Family Residential District
12-215	"R-P"	Residential and Professional Office District

12-216	"C-P"	Administrative and Professional Office District
12-217	"C-1"	Neighborhood Shopping Center District
12-218	"C-2"	Community Shopping Center District
12-219	"C-3"	Regional Shopping Center District
12-220	"C-4"	Central Trading District
12-221	"C-5"	General Commercial District
12-222	"C-6"	Heavy Commercial District
12-223	"C-R"	Commercial Recreation District
12-224	"C-M"	Commercial and Light Manufacturing District
12-225	"M-1-P"	Industrial Park Manufacturing District
12-226	"M-1"	Light Manufacturing District
[12-226.10	"S-L"	Storage/Limited, Mini Storage Facility District]
12-227	"M-2"	General Manufacturing District
12-228	"M-3"	Heavy Industrial District
12-229	"P"	Off-Street Parking District
12-230	"T-P"	Trailer Park Residential District
12-231	"CC"	Civic Center District
12-232	"C-L"	Limited Neighborhood Shopping Center District

B. Property development and special use districts:

SECTION	DISTRICT SYMBOL	DISTRICT TITLE
12-240	"BA"	Boulevard Area District
12-241	"CCO"	Civic Center Area Modifying District
12-242	"RM"	Residential Modifying District
[12-243	"BP"	Bluff Preservation Overlay District
12-244	"EA"	Expressway Area Overlay District
12-245	"ANX"	Annexed Rural Residential Transitional Overlay District]

SECTION 2. Section A of Section 12 203 of the Fresno Municipal Code is amended to read:

A. Any area annexed to the City shall be ~~designated, upon the effective date of annexation,~~ [pre-zoned pursuant to Government Code section 56375(a)(3)] with a zone district consistent with adopted plans in accordance with either Section 12-403-B-1, the "Zone District Consistency Table", or Section 12-403-B-2, the "Planned Land Use Consistency Criteria." If ~~more than one zone district is found to be consistent with the land use designation of the area being annexed,~~ the Director shall determine the most compatible district to be assigned. [When located within the review area of any one of the three airport specific plans (the Sierra Skypark

Land Use Policy Plan; the Fresno-Chandler Downtown Airport Master and Environs Specific Plan; or the Airport and Environs Plan, Fresno Yosemite International Airport), all applications for the ANX Overlay District as authorized by this section shall be subject to the provisions of the adopted land use compatibility policies for residential development established by each Specific Plan for 1) Noise, 2) Airspace Protection, 3) Safety, and 4) Nuisance.]

SECTION 3. Section 12-105-R of the Fresno Municipal Code is amended by adding Subsection 12. thereto to read:

12. RURAL RESIDENTIAL shall mean a residential land use on parcels located in a semi-rural environment consistent with an unincorporated area which allows the use of the keeping of farm animals and incidental agricultural activities and agricultural buildings.

SECTION 4. Section 12-245 is added to the Fresno Municipal Code to read:

SECTION 12-245. "ANX" ANNEXED RURAL RESIDENTIAL TRANSITIONAL OVERLAY DISTRICT. The "ANX" Annexed Rural Residential Transitional Overlay District is a transitional overlay zone district intended to provide special standards protecting the rural residential lifestyle, as defined in Section 12-105-R-12, at the time of annexation into the city. The regulations of the "ANX" transitional overlay district are deemed to be necessary in order to assist and insure: compatibility with the goals, policies and findings of the 2025 Fresno General Plan related to the orderly growth of the city; the more efficient use of resources, the infrastructure, and municipal facilities. The "ANX" transitional overlay district is intended to allow a transitional rural residential use for properties upon annexation to the city continuing until such time as the properties are further developed consistent with the General Plan. Notwithstanding the underlying zone district designation and Section 12-317, any use allowed in Section 12-245.1 is deemed conforming with the Zoning Ordinance of the City of Fresno on

property with the “ANX” designation. To the extent the provisions of the “ANX” transitional overlay zone district may be interpreted to be inconsistent with provisions of the Local Planning and Procedures Ordinance of the City of Fresno (Chapter 12, Article 6), the provisions of the “ANX” transitional overlay zone district control.

SECTION 5. Section 12-245.1 is added to the Fresno Municipal Code to read:

SECTION 12-245.1. USES PERMITTED. Notwithstanding the underlying zone district designation, the following uses shall be permitted on any property with the "ANX" transitional overlay district designation:

A. Existing Uses. Any use existing at the time the property was annexed to the city so long as the use had been lawfully allowed by the county at the time immediately preceding the annexation.

B. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.

C. Accessory Buildings.

1. Garages.

2. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.

3. Barns, stables, corrals, coops and/or animal or fowl pen.

D. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

E. Agricultural crops, greenhouses, fruit trees, nut trees, vines, nurseries for producing trees, vines and other horticultural stock.

F. Where the lot area is at least one acre in size, a property owner may have two (2) adult bovine (cows) or equine (horses) animals, in any combination thereof, and their immature offspring, per acre. In no event shall any property regardless of size have more than 10 adult bovine or equine, or combination thereof. For every adult bovine or equine allowed on a property, a property owner may substitute two adult ovine (sheep) or adult caprine (goats) (including any immature offspring). Other similar animal types may be allowed upon a determination by the Director that they will not detrimentally affect the public health, safety and/or welfare.

G. Family day care homes, small.

H. Greenhouses, horticultural collections and flower and vegetable gardens, private.

I. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

J. Home occupations as defined in Subsection 12-105-H-7.

K. Household pets as defined in Subsection 12-105-H-12.

L. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution.

M. Poultry raising (limited to hens only), rabbits or similar small featherbearing or furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only.

N. Roadside stands, temporary, for the sale of agricultural products produced upon the premises.

O. Signs, subject to provisions of Section 12-206.5-K.

P. Where any of the foregoing animals noted in this section are permitted on site, a

stormwater runoff permit may be required in accordance with the requirements of the Regional Water Quality Control Board.

SECTION 6. Section 12-245.2 is added to the Fresno Municipal Code to read:

SECTION 12-245.2. PROPERTY DEVELOPMENT STANDARDS. For all properties in the "ANX" transitional overlay district, the R-A zone district standards shall apply with the exception that an animal or fowl pen, coop, stable, barn, or corral may be located within 40 feet of any dwelling or other building used for human habitation, or within 100 feet of the front property line of the subject property under a conditional use permit filed and approved pursuant to Section 12-406.

SECTION 7. Section 12-245.3 is added to the Fresno Municipal Code to read:

SECTION 12-245.3. APPLICABILITY. Any property that was annexed after December 31, 2006 may be included in the "ANX" transitional overlay zone district.

SECTION 8. Section 12-245.4 is added to the Fresno Municipal Code to read:

SECTION 12-245.4. TERMINATION. The applicability of the provisions of the "ANX" transitional overlay zone district shall terminate whenever the property owner intensifies the use of the property regardless whether the "ANX" designation is removed through a rezone process. "Intensifies the use of the property" shall include the approval of a plan amendment, a rezone, a subdivision (as defined in the Subdivision Map Act in Government Code Sections 66410, et seq.), and/or a special permit or any other development entitlement, including a building permit, to allow any use not allowed in Section 12-245.1. A change of ownership, in and of itself, will not cause the termination of the applicability of the "ANX" transitional overlay zone district. When the provisions of the "ANX" transitional overlay zone district terminates for a property pursuant to this Section, the property owner shall

comply with all applicable regulations for the underlying zone district designation.

Additionally, staff shall remove the "ANX" designation from the property upon termination.

SECTION 9. Section M is added to Section 12-317 of the Fresno Municipal Code to read:

M. "ANX" DISTRICT USES. Properties designated with the "ANX" transitional overlay zone district shall not be subject to the provisions of this Section until the effectiveness of the "ANX" transitional overlay zone district is terminated pursuant to Section 12-245.4 or until the "ANX" transitional overlay zone district designation is removed through a rezone pursuant to Section 12-403.

SECTION 10. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2008.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2008
Mayor Approval/No Return: _____, 2008
Mayor Veto: _____, 2008
Council Override Vote: _____, 2008

REBECCA E. KLISCH
City Clerk

By _____
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By 
Kathryn C. Phelan, Deputy

Date: 2/21/08