



County of Fresno

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

DATE: September 5, 2024

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Department of Public Health, Environmental Health Division, Attn: Deep
Sidhu, Supervising Environmental Health Specialist; Kevin Tsuda,
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Agricultural Commissioner, Attn: Melissa Cregan
Sheriff's Office, Attn: Captain Ryan Hushaw, Kevin Lolkus, Lt. Brandon
Purcell, Kathy Curtice, Adam Maldonado
Pacific Gas and Electric, Centralized Review Team, Attn: PGEPlanReview@pge.com
Fresno County Fire Protection District, Attn: FKU. Prevention-Planning@fire.ca.gov

FROM: Alexander Pretzer, Planner
Development Services and Capital Projects Division

SUBJECT: Amendment to Text Application No. 388

APPLICANTS: Cornucopia Hybrid, LLC

DUE DATE: September 20, 2024

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to amend Section 822.3.100.B and 822.3.100.F of the Fresno County Zoning Ordinance relating to interior property setback requirements and construction across property lines in agricultural zones:

B. Exemptions from setback requirements.

1. The minimum setback requirements of this Zoning Ordinance shall apply to all uses except the following.

a. Fences or walls constructed within the height limitations of Section 822.3.040 (Fences, Walls, and Hedges).

b. Retaining walls less than three feet in height above finished grade.

c. Solar projects developed in the Agricultural Zone District under a Classified or Unclassified Conditional Use Permit that includes a condition of approval requiring a financial security to guarantee implementation of a County approved reclamation plan shall be exempt from requirements for setbacks from structures and interior property lines called for in the Zoning Ordinance.

F. Construction across property lines prohibited:

1. A structure shall not be constructed across the property line(s) of two or more contiguous parcels.

2. If the placement of a proposed structure would otherwise cross the property line if two or more contiguous parcels held by the same owner, before issuance of a Building Permit the property owner shall apply for and receive an approved voluntary parcel merger, lot line adjustment, or parcel map to move or eliminate the property line in questions.

3. The lot line adjustment process may be used if the parcels will still meet the development standards of the zone in which the parcels are located

4. Solar projects developed in the Agricultural Zone District under a Classified or Unclassified Conditional Use Permit that include a condition of approval requiring a financial security to guarantee implementation of a County approved reclamation plan shall be permitted to construct structures across property lines that are interior to the solar project site.

We must have your comments by **September 20, 2024**. Any comments received after this date may not be used.

If you do not have comments, please provide a “NO COMMENT” response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Alexander Pretzer, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4205, or email apretzer@fresnocountyca.gov

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Activity Code (Internal Review): 2602
Enclosures

Appendix C

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

Chapter 822.3

Property Development and Use Standards

- c. 400,000 square feet or greater shall incorporate a 20-foot-wide landscape buffer adjacent to sensitive receptors measured from the property line in conjunction with a 10-foot-high block wall.
2. All landscaping shall comply with Section 826.3.020 Commercial/Warehousing/Industrial Development Landscaping Standards.

822.3.100 - Setback Regulations and Exceptions

This Section establishes standards to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

A. Setback regulations. Except as provided in Subsection D., below, no required setback or other open space around an existing structure, or which is hereafter provided around any structure for the purpose of complying with the provisions of this Section may be considered as providing a setback or open space for any other structure; nor may any setback or other required open space on an adjoining parcel be considered as providing a setback or open space on a parcel where a structure is to be erected.

B. Exemptions from setback requirements.

1. The minimum setback requirements of this Zoning Ordinance shall apply to all uses except for the following:
 - a. Fences or walls constructed within the height limitations of Section 822.3.040 (Fences, Walls, and Hedges).
 - b. Retaining walls less than three feet in height above finished grade.
 - c. Solar projects developed in the Agricultural Zone district under a Classified or Unclassified Conditional Use Permit that include a condition of approval requiring a financial security to guarantee implementation of a County-approved reclamation plan shall be exempt from requirements for setbacks from structures and interior property lines called for in the Zoning Ordinance.
2. Street setback lines, as delineated on all recorded final maps, parcel maps, and records of survey maps shall be the street and yard setback distances required on the property within the final maps, parcel maps, records of survey maps, unless additional road dedication is required as a condition of development. When additional road dedication is required, or in the case of recorded final maps, parcel maps, and records of survey maps, the greater setback distance of either the property development standards in the applicable zone based on the ultimate right-of-way width or the setback distance as shown on the approved map shall prevail.

C. Measurement of setbacks. Setbacks shall be measured as follows:

1. **Front setbacks.** The front setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the structure envelope, except for corner parcels.

2. Side setbacks.

- a. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the side property line that extends between the front and rear yards.
- b. For the purposes of calculating side setbacks, the following dwellings with common party walls shall be considered as one structure occupying one parcel:
 - (1) Court apartments.
 - (2) Group dwellings.
 - (3) Row dwellings.
 - (4) Semidetached two and four family dwellings.

3. Street side setbacks. The side setback on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street.

4. Rear setbacks.

- a. The rear setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the rear property line that extends between the side yards, except:
 - (1) If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line; and
 - (2) When the side property lines converge to a point at the rear of the parcel, or to a rear property line narrower than 10 feet, for setback purposes the rear property line shall be considered to be a line parallel to the front property line measuring 10 feet between the two side property lines. The rear yard depth shall be measured from the 10-foot line to the nearest part of the primary structure on the parcel.
- b. In computing the depth of a rear setback where the yard opens into an alley, one half the width of the alley may be presumed to be a portion of the required rear setback.
- c. Rear setbacks may be less than the required setback, provided that a Site Plan Review is submitted and approved in compliance with Chapter 854.5; however, in no case shall the rear setback be less than the required side setback specified for the subject zone. The amount of space so occupied shall be provided elsewhere on the

parcel, exclusive of required setback areas. The replacement space shall have minimum dimensions of eight feet by eight feet and shall be so located that it is suitable for general use by the occupant of the premises.

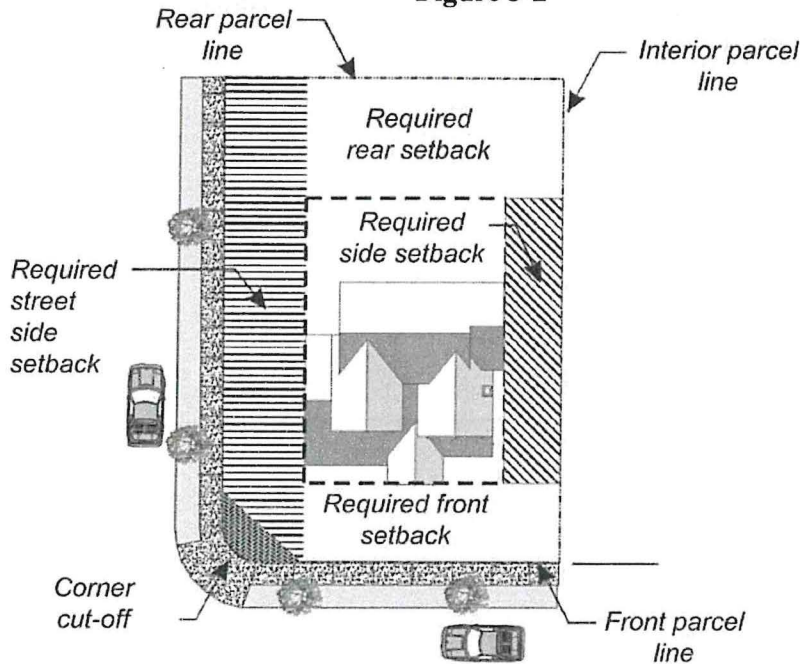
D. Exceptions. The setback requirements as specified for the zone shall apply with the addition of the following:

1. Schools, places of assembly, and institutions at property boundaries.

- a. No structure shall be erected, structurally altered, or used for a school, place of assembly, hospital, public structure, or other similar use, allowed either as a matter of right or under the Director's Review and Approval or Conditional Use Permit regulations of this Zoning Ordinance, unless the structure(s), when fronting on a street, have a front setback not less than that prescribed by the zone in which the structure is located.
- b. Side and rear setbacks may be used for required off-street parking, as determined appropriate by the Director. If the parking area abuts property classified as a residential zone, then a solid masonry wall not less than five feet or more than six feet in height shall be erected on the property line abutting the area used for off-street parking. For regulations, the provisions of Section 822.3.050 (Fences, Walls, and Hedges) shall apply.

2. State Responsibility Areas (SRA). All structures and accessory structures located within SRA as defined by the California Department of Forestry (CDF) shall set back from all property lines, structures, and the center of the road in compliance with the County Fire Safe Regulations (County Ordinance Code Section 15.60) for purposes of providing an adequate structure defensible space.

Figure 3-2

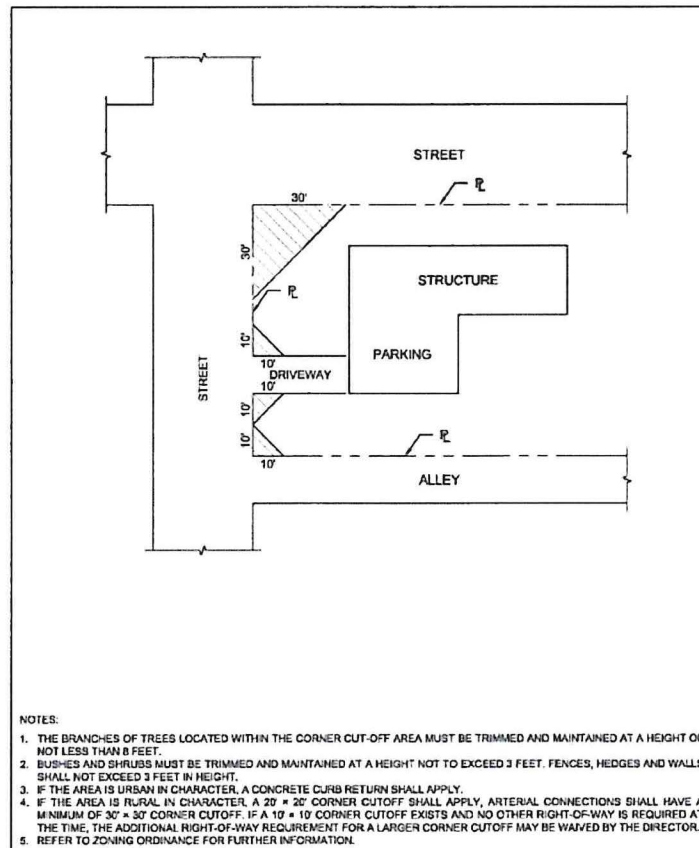


Location and Measurement of Setbacks

- E. Corner cut-off area.** The following regulations shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction within the cut off areas established herein.
1. There shall be a corner cut off area at all intersecting and intercepting streets or highways. The cut offline shall be in a horizontal plane, making an angle of 45 degrees with the side, front or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of 30 feet from the intersection of the lines at the corner of a street or highway.
 2. There shall be a corner cut off area on each side of any private driveway intersecting a street or alley. The cut off lines shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. They shall pass through a point not less than 10 feet from the edges of the driveway where it intersects the street or alley right of way.
 3. There shall be a corner cut off area on each side of any alley intersecting a street or alley. The cut off lines shall be in a horizontal plane, making an angle of 45 degrees with the side, front or rear property line as the case may be. They shall pass through a point not less than 10 feet from the edges of the alley where it intersects the street or alley right of way.

4. Where, due to an irregular lot shape, a line at a 45-degree angle does not provide for intersection visibility, the corner cut off shall be defined by a line drawn from a point on the front (or rear) property line that is not less than 30 feet from the intersection of the side and front (or rear) property lines and through a point on the side property line that is not less than 30 feet from the intersection of the side and front (or rear) property lines.
5. The corner cut-off provisions shall be applicable to all districts including the Rural Residential and all agricultural districts.

**Figure 3-3
Corner Cut Off**



F. Construction across property lines prohibited.

1. A structure shall not be constructed across the property line(s) of two or more contiguous parcels.
2. If the placement of a proposed structure would otherwise cross the property line of two or more contiguous parcels held by the same owner, before the issuance of a Building Permit, the property owner shall apply for and receive an approved voluntary parcel

merger, lot line adjustment, or parcel map to move or eliminate the property line in question.

3. The lot line adjustment process may be used if the parcels will still meet the development standards of the zone in which the parcels are located.

4. Solar projects developed in the Agricultural Zone district under a Classified or Unclassified Conditional Use Permit that include a condition of approval requiring a financial security to guarantee implementation of a County-approved reclamation plan shall be permitted to construct structures across property lines that are interior to the solar project site.

G. Nonconforming parcels. Legally created, nonconforming lots having either a substandard width or depth, may utilize the side or front setback requirement of another most restrictive zone district where the substandard width or depth is allowed (use the closest compatible district with dimensions at or above the subject parcel dimensions). Where both width and depth are substandard, this provision shall apply to both the front and side setbacks. This provision shall apply to all districts that allow residential uses except for the R-1-E and R1-EH Districts.

H. Accessory structures.

Residential Districts

1. Accessory buildings in side yards for applicable Residential Zone Districts (R-1, R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH) shall meet the following standards:
 - a. Any accessory building located less than sixty (60) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
 - b. An accessory building may be located on a side property line when said building is located sixty (60) feet or more from the front property line, except that no structure shall be permitted in a required yard which abuts a street.
 - c. An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley; provided, however, that no such accessory building shall be located less than five (5) feet from the property line.
 - d. Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject lot.
2. For residential zone districts, aggregate area of accessory buildings permitted in required yards on any one parcel shall not exceed six hundred and fifty (650) square feet except that additional area may be approved subject to Director Review and Approval Procedures of Chapter 846.5. This provision shall be made applicable to the following districts: R-1; R1-A; R-1-AH; R-1-B; R-1-C; R-1-E; R-1-EH; R-2; R-2-A; R-3; R-3-A; and R-4.
3. The RR (Rural Residential) Zone District shall meet the provisions for accessory buildings in the AE and AL Zone Districts as defined in Section 822.3.100.H.4 below. The RR

District shall also include an additional provision that the aggregate area of accessory buildings permitted in required yards on any one parcel shall not exceed five hundred (500) square feet except that additional area may be approved subject to Director Review and Approval Procedures of Chapter 846.5.

Agricultural Districts

4. Accessory buildings in side yards for the AE (Exclusive Agricultural) and AL (Limited Agricultural) Zone Districts shall meet the following standards:
 - a. Any accessory building located less than one hundred (100) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
 - b. An accessory building may be located on a side property line when said building is located one hundred (100) feet or more from the front property line.
 - c. An accessory building located in the side yard or its projection to the rear property line when abutting a street shall be at least twenty (20) feet from the property line on the side street.
 - d. Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject parcel.
5. For the R-A (Single Family Residential Agricultural) Zone District, setbacks for accessory buildings shall meet the Residential Standards of Sections 822.3.100.H.1 and 822.3.100.H.2 above.
6. For the A-2 (General Agricultural) Zone District, setbacks for accessory buildings shall meet the Residential Standards of Sections 822.3.100.H.1 and 822.3.100.H.2 above.
7. For the A-1 (Agricultural) Zone District, setbacks for accessory buildings shall meet the Residential Standards of Sections 822.3.100.H.1 and 822.3.100.H.2 above.

I. Exceptions - Permitted Projections into Required Yards.

Residential Districts

1. The following projections shall be permitted in required yards for applicable Residential and Recreational Zone Districts (R-1, R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH, R-2, R-2-A, R-3, R-3-A, R-P, and R-E):
 - a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than five (5) inches for one (1) foot of the width of such required side yard and may extend or project into a required front or rear yard not more than thirty (30) inches.
 - b. Uncovered, unenclosed porches, platforms or landing places (does not include slabs or flatwork) which do not extend above the level of the first floor of the building (see Article 7, Definitions) may extend into any front yard a distance of not more than six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side or rear yard not more than three (3) feet. An open work railing may be installed or constructed on any such porch, platform or landing place

provided it does not exceed thirty-six (36) inches in height. NOTE: this provision does not apply to uncovered concrete slabs, similar flatwork, etc.

- c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

Rural Residential

2. The following projections shall be permitted in required yards for the Rural Residential District:

- a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than five (5) inches for one (1) foot of the width of such required side yard and may extend or project into a required front or rear yard not more than forty-eight (48) inches.
- b. Uncovered, unenclosed porches, platforms or landing places (does not include slabs or flatwork) which do not extend above the level of the first floor of the building (see Article 7, Definitions) may extend into any front yard a distance of not more than six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side or rear yard not more than three (3) feet. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty-six (36) inches in height. NOTE: this provision does not apply to uncovered concrete slabs, similar flatwork, etc.
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

C-P Administrative and Professional Office District

3. The following permitted projections into required yards for nonresidential uses abutting residential or agricultural districts.

- a. Cornices, eaves, belt courses, fireplace chimneys, sills and other similar architectural features may extend or project into a required yard not more than thirty (30) inches.
- b. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.
- c. Uncovered, unenclosed porches, platforms or landing places which do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than six (6) feet, and may extend into any required side or rear yard not more than three (3) feet; provided, however, that an openwork railing, not more than thirty six (36) inches in height, may be installed or constructed on any such porch, platform or landing place. Open work fences, hedges, landscape architectural features, or guard railings for safety protection around depressed ramps, not more than

three and one half (3 2) feet in height, may be located in any required front, side or rear yard.

822.3.110 - Size of New Zones

The size of new zones shall be as specified in the zone regulations.

822.3.120 - Solid Waste/Recyclable Materials Storage

This Section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911).

- A. All structures and uses.** All structures and uses within the multi-family (with five dwelling units or more), commercial, industrial, institutional zones shall provide refuse and recyclable material enclosures subject to the review and approval of the Director.
 - B. Location requirements.** Refuse and recyclable materials enclosures shall be located in the following manner:
 - 1. Combined together.** Recycling baskets refuse and green waste carts, and future recycling carts shall be adjacent/combined with one another. They may be located on the outside of a structure in an approved fence/wall enclosure, a designated interior court or yard area with appropriate access or in a side or rear setback, with appropriate screening, in compliance with Subparagraph C. (4) (Be screened), below. Storage area(s) shall not be located in a required front or street side setback, parking space, landscaped or open space areas, or any open area(s) required by the County Ordinance Code.
 - 2. Unobstructed access.** Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance, as
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Cornucopia Hybrid - Text Amendment Application Package 8.27.24

Final Audit Report

2024-08-27

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