

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. T-092-373

AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE
ORDINANCE CODE OF FRESNO COUNTY RELATED TO TEMPORARY
MILL/CHIPPING FACILITIES BY AMENDING THE TEXT OF SECTIONS 813.1, 814.1,
816.1, and 855-N.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1. This Ordinance is adopted pursuant to California Constitution, Article XI, Section 7, Government Code Sections 65800, 65850, 65854-65857, and Section 878 of the Ordinance Code of Fresno County.

SECTION 2. The Ordinance Code of Fresno County is hereby amended by adding Subsection "K." after Subsection "J." in Section 813.1, such that Subsection "K." reads in its entirety as follows:

"K. Temporary Mill/Chipping Facilities subject to the provisions of
Section 855-N.34.5."

SECTION 3. The Ordinance Code of Fresno County is hereby amended by adding Subsection "I." after Subsection "H." in Section 814.1, such that Subsection "I." reads in its entirety as follows:

"I. Temporary Mill/Chipping Facilities subject to the provisions of
Section 855-N.34.5."

SECTION 4. The Ordinance Code of Fresno County is hereby amended by adding Subsection "U." after Subsection "T." in Section 816.1, such that Subsection "U." reads in its entirety as follows:

"U. Temporary Mill/Chipping Facilities subject to the provisions of
Section 855-N.34.5."

SECTION 5. The Ordinance Code of Fresno County is hereby amended by adding Subsection “34.5” after Subsection “34.” in Section 855-N, such that Subsection “34.5” reads in its entirety as set forth in Exhibit “1” which is attached hereto and incorporated herein by reference.

SECTION 6. Pursuant to Government Code Sections 25123, 25131, and 65854-65857, this Ordinance shall take effect thirty days after its passage.

SECTION 7. Prior to the expiration of fifteen (15) days from the adoption of this Ordinance, it shall be published at least one time in the Business Journal, a newspaper of general circulation in Fresno County, in accordance with the requirements of Government Code Section 25124.

SECTION 8. The Board of Supervisors determines that this Ordinance is exempt from environmental review pursuant to Title 14 of the California Code of Regulations, Sections 15269, Subdivision (c) - Emergency Projects (specific actions necessary to prevent or mitigate an emergency), Section 15301(h) - Existing Facilities (Maintenance of existing landscaping, native growth, etc.), and Section 15308 - Actions by Regulatory Agencies for Protection of the Environment.

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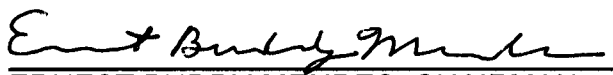
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THE FOREGOING WAS PASSED AND ADOPTED BY THE FOLLOWING VOTE
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO THIS 23rd
DAY OF August 2016, TO-WIT:

AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Pochigian
NOES: None
ABSENT: None


ERNEST BUDDY MENDES, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:


BERNICE SEIDEL, CLERK
BOARD OF SUPERVISORS

EXHIBIT 1

SECTION 855

PROPERTY DEVELOPMENT STANDARDS

SECTION 855-N. PROPERTY DEVELOPMENT STANDARDS – SPECIAL STANDARDS OF PRACTICE AND REGULATIONS

34.5. Temporary, portable Saw Mills and Planing Mills, Chipping and Grinding Operations (hereafter collectively referred to as “Temporary Mill/Chipping Facilities”)

Temporary Mill/Chipping Facilities shall be allowed as a matter of right in those Zone Districts specified in Sections 813.1, 814.1, and 816.1, provided that they comply with the requirements of this Section 855-N.34.

1. Operational Life

- a. Temporary Mill/Chipping Facilities shall be allowed during any period of time when a resolution proclaiming a local state of emergency due to tree mortality and degraded forest conditions (“Proclamation”) approved by the Board of Supervisors is effective, plus an additional 180 days after the Proclamation expires, to allow for final processing, removal and site clearing.
- b. Prior to commencement of operation of a Temporary Mill/Chipping Facility, the applicant and owner shall execute a written acknowledgement, in a form acceptable to the Director of the Department of Public Works and Planning, or designee, which specifies the limitation on the operational life of the Temporary Mill/Chipping Facility, as set forth in Section 855-N.34.1.a, and notifies the applicant and owner that all equipment and material associated with the Temporary Mill/Chipping Facility shall be removed by the applicant and owner within 180 days of the termination of the Proclamation.

2. Removal of Temporary Mill/Chipping Facility

Within not more than 180 days after the termination of a Proclamation, the applicant and owner shall remove all equipment and material associated with the Temporary Mill/Chipping Facility.

3. Parcel Size

The minimum parcel size for these uses shall be 20 acres so as to provide for the following related activities: adequate setbacks, staging area for equipment and raw/finished materials, truck parking and circulation, and employee parking.

4. Wastewater

Evidence submitted during the Site Plan Review process governed by Section 874 (hereafter referred to as “Site Plan Review”), shall establish that the proposed Temporary Mill/Chipping Facility would

- a. Discharge no industrial or process wastewater, or
- b. Have a will-serve commitment from a community sewer system (e.g., County Service Area, Water Works District, etc.), and will lawfully discharge wastewater to that community sewer system, or
- c. Lawfully discharge wastewater into a treatment and disposal facility that meets all applicable wastewater discharge requirements, or
- d. Discharge process wastewater, but obtain or possess a waiver of report of wastewater discharge or wastewater discharge requirements pursuant to California Water Code Section 13269, or
- e. Have wastewater removed from the site pursuant to a contract with a licensed/certified wastewater transport service for disposal at a licensed facility.

5. Air Pollution

Evidence shall be submitted during the Site Plan Review, which establishes that:

- a. An air pollution "Authority to Construct" permit is not required from the San Joaquin Valley Air Pollution Control District (SJVAPCD), or
- b. Facility possesses an air pollution "Authority to Construct" permit.
- c. All Applicable SJVAPCD permits are obtained prior to operation via the required Site Plan Review.

6. Traffic

Evidence shall be submitted during the Site Plan Review, which establishes that:

The facility does not generate more than 100 total trips per day, or that, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day.

7. Fire Protection

Evidence shall be submitted during the Site Plan Review, which establishes that the applicant has or will satisfy all applicable fire protection measures of the Fire District with jurisdiction over the parcel on which the Temporary Mill/Chipping Facility will be established.

8. Noise

- a. Operating hours shall be limited between sunrise and sunset.
- b. Evidence shall be submitted during the Site Plan Review, which establishes that the Temporary Mill/Chipping Facility will not be located less than one-quarter mile from residential uses/structures unless it can be demonstrated to the satisfaction of the Director of the Department of Public Works and Planning, or designee, that measures will be implemented by the applicant that will address any potential noise concerns.

9. Site Plan Review Application Required/On-site and Off-site Improvements

Prior to commencement of any operations of a Temporary Mill/Chipping Facility, a Site Plan Review Application shall have been submitted by the applicant and owner and approved by the Director of the Department of Public Works and Planning, pursuant to the provisions of Section 874.

(Subsection 34 added by Ord. No. _____, Adopted _____)