

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 478 -3822

AN ORDINANCE TO CHANGE THE BOUNDARIES OF CERTAIN ZONES AND THE ZONING DISTRICT OF PROPERTY THEREBY AFFECTED IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING DIVISION OF THE ORDINANCE CODE OF FRESNO COUNTY, AND TO AMEND THE ZONE MAP ESTABLISHED BY SAID DIVISION ACCORDINGLY.

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 65850, 65854-65857, and Sections 811 and 878 of the Ordinance Code of Fresno County.

SECTION 2. All that portion of the unincorporated area of Fresno County consisting of the parcel described in Exhibit "A" which heretofore have been classified in the R-1-C (c) (Single-Family Residential) Zone District pursuant to the Zoning Division of the Ordinance Code of Fresno County, located within the Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant is hereby changed to an O (Open Conservation) Zone District as shown in Exhibit "B", subject to the Mitigation Measures, Conditions of Approval and Mandatory Project Notes listed in Exhibit "C".

SECTION 3. Prior to the expiration of fifteen (15) days from the adoption of this Ordinance, it shall be published in accordance with the requirements of Government Code Section 25124 at least one time in the Fresno Business Journal, a newspaper of general circulation in Fresno County.

1 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-
2 65857, this Ordinance, designated as Ordinance No. R- 478 -3822 shall take effect thirty
3 days after its passage.

4
5 Adopted by the Board of Supervisors of Fresno County, California, on
6 September 12, 2017 by the following vote, to wit:

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8 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero
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10 NOES: None
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12 ABSENT: None

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15 _____
16 BRIAN PACHECO, CHAIRMAN
17 Board of Supervisors

18
19 ATTEST:

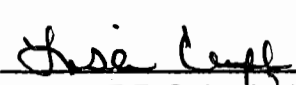
20
21 
22 _____
23 BERNICE E. SEIDEL, CLERK
24 Board of Supervisors
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Exhibit "A"

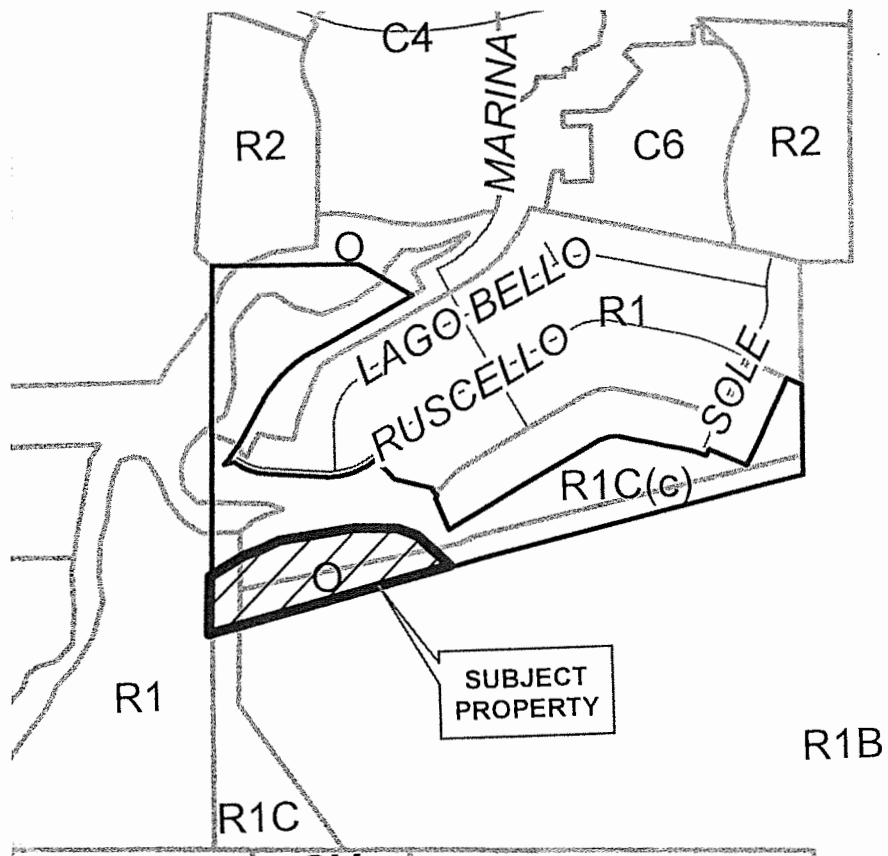
THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS.

COMMENCING AT: THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 21 EAST; SAID POINT ALSO BEING THE NORTHWEST CORNER OF PARCEL 8 OF PARCEL MAP 5768 RECORDED IN BOOK 42 AT PAGE 11 FRESNO COUNTY RECORDS

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 SOUTH 00°33'18" WEST A DISTANCE OF 1273.96 FEET, **TO THE TRUE POINT OF BEGINNING;**

THENCE NORTH 80°08'35" EAST A DISTANCE OF 587.98 FEET, THENCE NORTH 88°30'13" EAST A DISTANCE OF 206.18 FEET, THENCE SOUTH 68°45'04" EAST A DISTANCE OF 51.98 FEET, THENCE SOUTH 46°00'21" EAST A DISTANCE OF 91.22 FEET, THENCE SOUTH 34°45'34" EAST A DISTANCE OF 193.97 FEET, TO A POINT ON THE NORTH LINE OF PARCEL 6 OF SAID TRACT 5768; THENCE ALONG SAID NORTH LINE SOUTH 76°19'09" WEST A DISTANCE OF 1043.37 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL 6; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15 NORTH 00°33'18" EAST A DISTANCE OF 382.30 FEET **TO THE TRUE POINT OF BEGINNING.**

Exhibit "B"



Mitigation Monitoring and Reporting Program
Initial Study Application No. 7289/Amendment Application No. 3822
Unclassified Conditional Use Permit Application No. 3576
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Department of Public Works and Planning	During all ground-disturbing activities

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

Conditions of Approval – AA3822	
1.	Future planting on the property shall be subject to the following requirements: a. Approval of a grading permit is required for site clearance and leveling prior to commencement of Agricultural activities. Agricultural activities are defined as 20 acres or more of crops, fruit trees, nut trees or vines. b. Irrigation tailwater and storm water runoff shall be retained on site so as to prevent it from entering the municipal storm water management system and natural watercourses. c. Irrigated cropland shall be managed in compliance with California Water Code Section 13260. d. Permanent plantings (agricultural trees and vines) or buildings, shall not be installed on portions of the property planned for right-of-way or other future easement uses. e. If private storage tanks are to be installed, such tanks shall be screened from view of neighboring properties and installed/maintained pursuant to the appropriate permits and required approvals from the Fresno County Department of Public Health, Environmental Health Division and the Fresno County Fire Department. All such tanks shall be located at least 40 feet from property lines and are subject to additional setback requirements at the discretion of the regulatory agencies.

	f. Recycled water shall be used for irrigation; appropriate easement covenants shall be recorded for conveyance of non-potable water; installation of irrigation pipelines shall be minimized to the extent possible in portions of a property planned for right-of-way or easements for infrastructure; at the conclusion of agricultural activities, irrigation pipelines shall be removed; efficient Water Management Practices identified in Fresno Irrigation District's adopted Agricultural Water Management Plan shall be implemented as feasible; the practices of "Chemigation" and "Fertigation," and any other means of distributing agrichemicals via irrigation water, shall only be permitted if there is no risk of such chemicals flowing off site or creating a nuisance or hazard to adjoining properties. g. Security fencing shall be in accordance with Millerton Specific Plan. h. No pesticides, fertilizers, or hazardous materials shall be stored on the premises, and any use shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Department of Public Health, Environmental Health Division; California Environmental Protection Agency Division of Toxic Substance Control; and Fresno County Fire Department. i. Cultivation, harvesting and soil amendment activities shall conform to applicable regulations of the San Joaquin Valley Air Pollution Control District, including controls for particulate matter, fugitive dust, bulk material handling, and odors. j. Beehives may be temporarily placed on agricultural land for pollination purposes. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. No aggressive or "Africanized" beehives shall be used on the property. k. No on-site burning of waste material shall be allowed. Waste material and litter associated with agricultural operations shall be properly disposed of in a timely manner, and shall not be permitted to blow onto adjacent properties. l. Sonic hail disruptors ("Hail Cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted. m. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted. n. Planting/cultivation/harvesting equipment or other motorized equipment use shall be kept to a minimum, and farming by hand shall be used where feasible. Chemical applications, planting, cultivation, harvesting and similar activities shall not cause unreasonable noise, dust or activity that impacts or disturbs residents or commercial business uses in the Millerton Specific Plan area.
2.	The use of the recycled water in Millerton New Town is prioritized. The first authorized use would be for subdivision common area landscaping and for landscaping around the treatment plant site. Recycled water remaining could be made available for other uses such as the proposed orchard at the discretion of the Director of the Department of Public Works and Planning. Prior to issuance of any building/grading permits for the implementation of the use of recycled water, a covenant running with the land between the County and the owner shall be recorded agreeing to the prioritized use of the recycled water in Millerton New Town. Note: The Department of Public Works and Planning will prepare the covenant upon receipt of the standard processing fee which is currently \$243.50.

Conditions of Approval – CUP 3576	
1.	Sprayfield operations shall be in accordance with the operational statement prepared for Unclassified Conditional Use Permit (UCUP) No. 3576 and approved by the Planning Commission subject to the conditional zoning adopted for Amendment Application (AA) No. 3822.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Construction permits and inspections shall be required for the installation of pumps and piping systems proposed for the recycled wastewater distribution facilities. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
2.	The subject parcel is within a rural stream area of the Fresno County Metropolitan Flood Control District (FMFCD). The FMFCD shall be contacted for any required clearance.
3.	The project shall comply with the California Code of Regulations Title 24 – Fire Code, requiring approval of County-approved site plans by the Fresno County Fire Protection District prior to issuance of building permits by the County. The project/development shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
4.	The Applicant shall contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations, or to obtain information about District permit requirements for the project.
5.	Per the California Regional Water Quality Control Board (RWQCB), the Applicant shall provide a Title 22 Engineering Report for use of tertiary recycled water on the subject land to the RWQCB once completed.

EA:ksn

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