



## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR  
MODIFICATION TO OR ADDITION OF  
CONDITIONS, SEE FINAL BOARD OF  
SUPERVISORS' ACTION SUMMARY  
MINUTES**

DATE: March 24, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12926 - INITIAL STUDY NO. 8157, AMENDMENT TO  
TEXT NO. 382, AND CLASSIFIED CONDITIONAL USE PERMIT  
APPLICATION NO. 3727

APPLICANT: Assemi Group Inc.

OWNER: Multiple Property Owners

REQUEST: Amendment to Text No. 382 to modify the text of the Fresno County Zoning Ordinance to allow landscaping, limited agriculture, and grazing to be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with tertiary treated sewage effluent from a municipal sewage system within the R-1-E (Single-Family Residential, 37,500 square-foot minimum parcel size) Zone District, R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size) Zone District, R-1-C (Single-Family Residential 9,000 square-foot minimum parcel size) Zone District, R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size) Zone District, and R-2 (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone District.

Classified Conditional Use Permit Application No. 3727 requests to allow the distribution of tertiary-treated sewage effluent from an existing wastewater treatment facility through lines in the public right-of-way to spray fields on approximately 158 acres of land within the Millerton Specific

## RESOLUTION # 12926

Plan boundary specifically for landscaping, limited agriculture, and grazing.

### LOCATION:

The Millerton Specific Plan is located approximately 1.5 miles east of the unincorporated community of Friant. The spray field components of the project site are comprised of five areas with portions on a total of 10 assessor's parcels totaling 158 acres of open land located on the south side of Millerton Road within the Millerton Specific Plan boundary. The effluent distribution lines to the spray fields will be located within the public rights-of ways (APN 300-340-13, 300-340-60, 300-542-07, 300-542-08, 300-542-13, 300-542-54, 300-542-55, 300-542-16, 300-542-27, and 300-542-51) (Sup. Dist. 5).

### PLANNING COMMISSION ACTION:

At its hearing of March 24, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

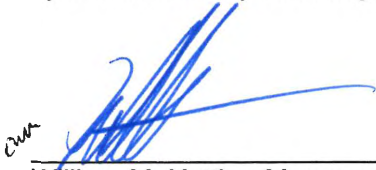
A motion was made by Commissioner Hill and seconded by Commissioner Zante to recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 8157, approve Amendment to Text No. 382, and adopt the required Findings of Fact as recommended in the Staff Report, revise the Conditions of Approval as depicted in Exhibit 1 of the Staff Report to revise the language of Condition of Approval No. 6 to establish a density ratio of one cow per three acres, and approve Classified Conditional Use Permit No. 3727, subject to the Conditions listed in Exhibit B.

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This motion passed on the following vote:

VOTING:	Yes:	Commissioners Hill, Zante, Abrahamian, Arabian, Chatha, and Woolf
	No:	None
	Absent:	Commissioners Carver and Ewell
	Abstain:	None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services and Capital Projects Division

WMK:tk:jp  
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Attachments

EXHIBIT A

Initial Study No. 8157  
Amendment to Text No. 382  
Classified Conditional Use Permit Application No. 3727

Staff: The Fresno County Planning Commission considered the Staff Report dated March 24, 2022 and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The sewage disposal system in the Millerton Specific Plan area is a three-part system that consists of the tertiary treatment plant, the effluent storage pond, and beneficial reuse area.
- The existing effluent storage pond is 45-acre feet in size, with another one in construction that will be over 100-acre feet in size.
- We have identified five sites in the area that could be utilized as beneficial reuse areas.
- We have designed the project with the estimated 158 acres to accommodate current and future development south of Millerton Road.
- New development to the north of Millerton Road would be subject to an amendment to the Classified Conditional Use Permit or a new Classified Conditional Use Permit.
- In the history of the Millerton Specific Plan, there have been two attempts to permit beneficial reuse areas; the first in 1999, for a proposed a small golf course to be irrigated with tertiary-treated effluent, but was never constructed; the other was in 2018 where a pistachio orchard was proposed to utilize the tertiary-treated effluent, but never proceeded forward.
- We are required to receive approval from the State of California for development of the area and additionally, are required to submit reports and studies that satisfy State and Federal regulations.
- We anticipate a management agreement with the County Service Area where the beneficial reuse areas would be operated by the developers and the CSA would oversee their operations.
- There are preexisting leases for cattle grazing; our intent is not to have an intensive operation and to protect the area and environment.

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- There are specific facilities for stormwater runoff; there is no overflow of the tertiary-treated effluent storage pond through management of these ponds.
- One of the areas south of the existing wastewater treatment facility has a grazing operation.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Mitigation Monitoring and Reporting Program  
Conditions of Approval, and Project Notes  
Initial Study No. 8157  
Amendment to Text No. 382  
Unclassified Conditional Use Permit Application No. 3727**

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 shall 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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Dept of Public Works and Planning (PWP)	During project construction
*2.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.	Applicant	Applicant/PWP	During project construction
*3.	Hazards and Hazardous Materials	To minimize and mitigate any nuisance and disease impact created by the project, the project proponent shall take all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production; shall respond to requests from Consolidated Mosquito Abatement District (District) for actions to abate mosquito production on the property throughout the existence of the project; and shall provide the District unhindered access to areas where irrigation occurs for surveillance and control purposes.	Applicant	Applicant/ Consolidated Mosquito Abatement District	During the life of the project
*4.	Hydrology and water Quality	Prior to the issuance of any required permit or installation of any component of the Beneficial Re-Use of Title 22, tertiary-treated sewage effluent, the applicant shall meet with and obtain approval on the	Applicant	Applicant/PWP	During project construction

	plans for each area from the California Regional Water Quality Control Board.		
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Conditions of Approval CUP 3727			
1.	Development shall be in substantial compliance with the approved Site Plans and Operational Statement.		
2.	The Applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvement associated with this project. The Plans along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno, Department of Public Works and Planning for review and approval. The plans should include, but not be limited to property surveying, signage (sizes and types), earthwork, electrical and electrical wiring, pump sizing and locations, and site and equipment engineering.		
3.	A Technical Report with a summary of the amount of effluent water that is estimated to be used and the ability for the areas and uses proposed to utilize the effluent water must be prepared by a registered professional engineer, or other professional authorized under law to prepare such a report and submit this report to the County of Fresno Department of Public Works and Planning for review and approval. The technical report would be required prior to the acceptance of construction permit applications. The technical report would be required prior to acceptance of construction permit applications. The report will be the basis for determining the number of residential/commercial units that can be served by these areas.		
4.	All reclaimed water valves, outlets, quick couplers, and sprinkler heads shall be of a type, or secured in a manner that permits operation by County-authorized personnel.		
5.	The areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.		
6.	Grazing operations shall not exceed a herd density level of one (1) cow per three (3) acres.		
7.	The application of chemicals for the cultivation of agriculture shall be prohibited unless an application and monitoring program is proposed and approved as an amendment to this Conditional Use Permit.		
8.	The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of IS No. 8157, AT No. 382, and CUP No. 3727 and provide security in an amount determined by the County for any such legal costs incurred. The agreement and payment of security shall be due unless the litigation period is expired, in which case the requirements for the indemnification agreement and security shall be considered null and void.		

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document Conditions of Approval reference recommended Conditions for the project.

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	The Development Engineering Section of the Fresno County Department of Public Works and Planning provide the following comments:

## Notes

- A. According to FEMA FIRM Panel 1035H LOMR Case No. 12-09-1045P with effective date January 25, 2013, portions of the area of the parcel lots within APNs 300-542-13, 54S and 27 are within the Flood Zone AE, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future/proposed structure and associated electrical wiring, walk-in equipment, cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) including manure storage and drying location in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. Any future/proposed structure to be constructed within the Special Flood Hazard Area shall require FEMA Elevation Certificate. Any future/proposed building/structure near the Special Flood Hazard Area shall require a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines and/or existing structure(s). The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.
- B. The subject property is within the Low Water Area (Water Short Area). Any future/proposed development, Water and Natural Resources Division should be consulted regarding any requirements they may have.
- C. The subject property is located within the State Responsibility Area (SRA) boundary. Any future/proposed development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
- D. According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Any future/proposed work within or near a stream requires clearance from California Department of Fish and Wildlife (CDFW).
- E. According to the wetlands mapper of the U.S. Fish and Wildlife Service, wetlands may be present within the subject property. For any development including the likely to be directed or sprayed of tertiary treated effluent on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.
- F. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
- G. Any future/proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board (CA RWQCB). CA RWQCB should be consulted for their requirements. Any future or proposed storage pond should be located outside the Special Flood Hazard Area.
- H. CA RWQCB should be consulted regarding any requirements they may have prior to spray disposal of the recycled wastewater.



Notes	
	<p>I. Any future/proposed work done within the County road right-of-way will require an Encroachment Permit from the Road Maintenance and Operations Division.</p> <p>J. Any future/proposed grading may require either a grading permit, improvement plan, permit or voucher.</p>
2.	<p>The Resources Division of the Fresno County Department of Public Works and Planning provide the following comments:</p> <p>A. All irrigation infrastructure required for this project shall be designed and constructed in accordance with the approved infrastructure plan. Where standards are unspecified in the Infrastructure Plan, the project shall be designed for Fresno County Improvement Standard and/or as approved by the Director of the Department of Public Works and Planning.</p> <p>B. Once accepted, the Applicant will provide a one-year warranty for all improvements.</p> <p>C. The Applicant shall obtain all necessary local and state regulatory permits prior to operation of the project.</p> <p>D. The reclaimed water distribution system shall comply with requirements contained in the AWWA publication "Guidelines for Distribution of Non-potable Water". The required separation of reclaimed water, potable water and raw wastewater piping shall be maintained.</p> <p>E. All reclaimed water valves, outlets, quick couplers and sprinkler heads shall be of a type or secured in a manner that only permits operation by authorized personnel.</p> <p>F. The areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.</p>
3.	Any crossings under County-maintained roads shall require an Encroachment Permit and may be subject to additional conditions.
4.	<p>The Fresno County Department of Public Health, Environmental Health Division provide the following comments:</p> <p>A. If the project Applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Division 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code, Division 20, Chapter 6.95, Section 25507.</p> <p>B. Should any underground storage tank(s) be found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</p> <p>C. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance.</p> <p>D. As a measure to protect ground water, all water wells and/or septic systems that exist and have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</p>

Notes	
5.	If future development is sought, the project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
6.	<p>The San Joaquin Valley Air Pollution Control District provide the following comments:</p> <p>A. District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the Air District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). The project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to commencing construction on any permit-required equipment or process, a finalized ACT must be issued to the project proponent by the District.</p> <p>B. The project may also be subject to District Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).</p>

TK:jp

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EXHIBIT C

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 8157  
(State Clearinghouse #2022020410)  
Amendment to Text Application No. 382  
Classified Conditional Use Permit Application No. 3727

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Amendment to Text Application	\$ 7,326.00 <sup>1</sup>
Conditional Use Permit Application and Variance Application	\$ 9,123.00 <sup>1</sup>
Environmental Assessment	\$ 5,151.00 <sup>2</sup>
Public Health Department Review	\$ 1,375.00 <sup>3</sup>
<b>Total Fees Collected</b>	<b><u>\$22,975.00</u></b>

1 Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.

2 Review proposal to provide appropriate California Environmental Quality Act (CEQA) Analysis and include documentation to prepare a Mitigate Negative Declaration.

3 Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.



# County of Fresno

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

## Planning Staff Report Commission Agenda Item No. 2 March 24, 2022

**SUBJECT:** Consider Classified Conditional Use Permit Application No. 3727, Amendment to Text (AT) No. 382 and a Proposed Mitigated Negative Declaration based on Initial Study No. 8157.

Amendment to Text No. 382 modifying the text of the Fresno County Zoning Ordinance to allow that Landscaping, Limited Agriculture, and Grazing to be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with tertiary treated sewage effluent from a municipal sewage system within the: R-1-E (Single-Family Residential, 37,500 square-foot minimum parcel size) R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size), R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size), R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size); and R-2 (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts; and

Classified Conditional Use Permit Application No. 3727 to allow the distribution of tertiary-treated sewage effluent from an existing wastewater treatment facility through lines in the public rights-of-way to spray fields on approximately 158 acres of land within Millerton Specific Plan boundary specifically for Landscaping, Limited Agriculture, and Grazing.

**LOCATION:** The Millerton Specific Plan is located approximately 1.5 miles east of the unincorporated community of Friant. The spray field components of the project site are comprised of five areas with portions on a total of 10 Assessor's parcels totaling 158 acres of open land located on the south side of Millerton Road within the Millerton Specific Plan boundary. The effluent distribution lines to the spray fields will be located within the public rights-of-ways. (APNs: 300-340-13, 300-340-60, 300-542-07, 300-542-08, 300-542-13, 300-542-54, 300-542-55, 300-542-16, 300-542-27 and 300-542-51) (Sup. Dist. 5).

**OWNER: Multiple Property Owners**

**APPLICANT: Assemi Group Inc.**

**STAFF CONTACT: Thomas Kobayashi, Planner  
(559) 600-4204**

**David Randall, Senior Planner  
(559) 600-4052**

**RECOMMENDATION:**

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8157; and
- Recommend that the Board of Supervisors approve Amendment to Text (AT) No. 382 as proposed in Exhibit 2; and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit Application No. 3727 subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Proposed Amendment to Zoning Ordinance Section 823-3, 824-3, 825-3, 826-3, 827-3 and 827-4.C
3. Applicant's Project Description and Justification
4. Location Map
5. Existing Zoning Map
6. Existing Land Use Map
7. Site Plan and Detail Drawings
8. Summary of Initial Study No. 8157
9. Proposed Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Medium Low Density Residential, Medium Density Residential, and Open Space in the Millerton Specific Plan	No change
Zoning	R-1-E, R-1-B, R-1-C, R-1 and R-2 Zone Districts	No change
Parcel Size	N/A	The CUP would affect approximately 158 acres of land
Project Site	N/A	See Exhibit 7
Structural Improvements	By APN 300-340-13: Vacant 300-340-60: Vacant 300-542-07: Vacant 300-542-08: Vacant 300-542-13: Temporary Rock Processing Plant to create aggregate base for tract maps. 300-542-54: Vacant 300-542-55: Water Tank 300-542-16: Vacant 300-542-27: Vacant 300-542-51: Vacant	Underground irrigation piping to distribute treated effluent to re-use areas for agricultural or landscape application. Underground improvements are proposed to be located within the County right-of-way.
Nearest Residence	N/A	Residential development will be adjacent to the proposed locations of the proposed effluent pipelines and re-use areas
Surrounding Development	Single-family residences and Vacant	No change
Operational Features	N/A	Tertiary effluent would be delivered via underground pipeline to re-use

Criteria	Existing	Proposed
		areas for landscaping and agricultural purposes.
Customers/ Visitors	N/A	N/A
Employees	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	None	None
Hours of Operation	N/A	N/A

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

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 8157 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

A Notice of Intent to adopt a Mitigated Negative Declaration was published on February 18, 2022.

**PUBLIC NOTICE:**

Notices were sent to 212 properties within 600 feet of the project site, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

Adoption of a Zoning Ordinance Amendment is a legislative act requiring action by the Board of Supervisors. The Planning Commission's action is advisory to the Board. The Board is anticipated to hear this matter at a later date after the Commission's recommendation. The Amendment will become effective 30 days after adoption by the Board.

The Board can only consider the Conditional Use Permit if the Text Amendment is approved. A Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

**BACKGROUND INFORMATION:**

CSA 34A was established and provides lighting, road maintenance, sewer, and water services to the Millerton Specific Plan area. The existing wastewater treatment facility (WWTF) managed by CSA 34A currently generates and stores tertiary-treated wastewater. The storage capacity

of tertiary-treated wastewater is being overwhelmed and requires relief through additional storage capacity or the application of tertiary-treated wastewater for appropriate uses.

Unclassified Conditional Use Permit Application No. 3698 was approved by the Planning Commission on November 18, 2021 and allowed an inground effluent storage pond and related subterranean pipeline to provide tertiary-treated wastewater storage for the WWTF.

This current proposal would allow application of tertiary-treated wastewater on landscaping and low-intensity agricultural uses and ensure that existing and planned tertiary-treated wastewater storage capacity is not exceeded.

### **ANALYSIS/DISCUSSION (AT 382):**

Specific language provided by the Applicant for the proposed Amendment to Text is included as Exhibit 1 of this report. The language proposed is fairly narrow in focus, limiting such applications of landscaping, limited agriculture and grazing to the R-1, R-1-B, R-1-C, R-1-E, and R-2 Zone Districts found within and adjacent to the Millerton Specific Plan. The key consideration for allowing these uses is that the water utilized for the uses are sourced from Title 22 Reclaimed Water which would be supplied from the existing Wastewater Treatment Facility. Anticipated areas identified by the Applicant are depicted in Exhibit 7.

The subject Amendment to Zoning Ordinance will modify Sections 823-3, 824-3, 825-3, 826-3, and 827-3 of the Fresno County Zoning Ordinance to add the following language to the R-1-E, R-1-B, R-1-C, R-1, and R-2 Zone Districts:

*Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

Additionally, the subject Amendment to Zoning Ordinance will also modify Section 827-4.C to replace the following language to the R-2 Zone District.

*Agricultural uses, except as permitted by Section 827-3.*

As previously stated, this proposal is only to amend Sections 823-3, 824-3, 825-3, 826-3, 827-3, and 827-4 of the Zoning Ordinance to establish a mechanism by which 158 acres of land provided with landscaping, limited agriculture and grazing within or adjacent to the Millerton Specific Plan Area can be irrigated with a source of tertiary treated effluent with the approval of a Use Permit. The Conditional Use Permit Application No. 3727 filed in conjunction with AT 382, if approved, will allow irrigation of 158 acres of open land with tertiary-treated effluent generated by an existing Wastewater Treatment Facility. The subject land is designated as Medium Low Density Residential, Medium Density Residential, Public Facilities, and Open Space in the Land Use and Circulation Elements of the Millerton Specific Plan. The subject Conditional Use Permit No 3727 is just for that reason.

The current Text Amendment request would limit the establishment of uses based on the location criteria in or adjacent to the Millerton Specific Plan, utilization of tertiary-treated effluent, and approval of a Classified Conditional Use Permit. General Plan Criteria must also be taken into consideration. A key policy pertaining to use of tertiary-treated effluent in the Millerton Specific Plan area is as follows:

Policy SP1-P83: Treated effluent may be disposed of in one of several ways. During winter



when the evapotranspiration rate is very low, effluent will flow into ponds for storage, seepage, and partial evaporation. During the warmer months, most of the treated effluent shall be used to irrigate the open space, recreation, and buffer areas. The effluent may also be used to irrigate agricultural areas and other open space lands.

Furthermore, as defined in the justification to the Amendment to Text (Exhibit 2), the subject proposal will not adversely affect the surrounding residential neighborhoods. As noted, the Millerton Specific Plan allows the use of treated effluent for irrigation purposes for agricultural and landscaping. The proposed Amendment to the Zoning Ordinance would allow restricted low intensity agricultural uses and landscaping subject to a Classified Conditional Use Permit. Further review of the proposal ensures that the project would not negatively impact the surrounding residential properties.

#### **ANALYSIS/DISCUSSION (CUP 3727):**

**Finding 1:** *That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	N/A	N/A	N/A
Parking	N/A	N/A	N/A
Lot Coverage	N/A	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

The project anticipates the development of underground infrastructure and would not be subject to the above development standards.

#### **Reviewing Agency/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Any future/proposed work within or near a stream requires clearance from California Department of Fish and Wildlife (CDFW).

According to the wetlands mapper of the U.S. Fish and Wildlife Service, wetlands may be present within the subject property. For any development including the likely to be directed or sprayed of tertiary treated effluent on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.

A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.

Any future/proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board (CA RWQCB). CA RWQCB should be consulted for their requirements. Any future or proposed storage pond should be located outside the Special Flood Hazard Area.

CA RWQCB should be consulted regarding any requirements they may have prior to spray disposal of the recycled wastewater.

Any future/proposed work done within the County Road right-of-way will require an Encroachment Permit from the Road Maintenance and Operations Division.

Any future/proposed grading may require either a grading permit, improvement plan, permit or voucher.

Resources Division of the Fresno County Department of Public Works and Planning: All irrigation infrastructure required for this project shall be designed and constructed in accordance with the approved infrastructure plan. Where standards are unspecified in the Infrastructure Plan, the project shall be designed for Fresno County Improvement Standard and/or as approved by the Director of the Department of Public Works and Planning.

The Applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with this project. The plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno, Department of Public Works and Planning for review and approval. The plans should include, but not be limited to, property surveying, signage (sizes and types), earthwork, electrical and electrical wiring, pump sizing and locations, and site and equipment engineering. **This shall be included as a Condition of Approval.**

A Technical Report with a summary of the amount of effluent water that is estimated to be used and the ability for the areas and uses proposed to utilize the effluent water must be prepared by a registered professional engineer, or other professional authorized under law to prepare such a report and submit this report to the County of Fresno Department of Public Works and Planning for review and approval. The technical report would be required prior to the acceptance of construction permit applications. The report will be the basis for determining the number of residential/commercial units that can be served by these areas. **This shall be included as a Condition of Approval.**

Once accepted, the Applicant will provide a one-year warranty for all improvements.

The Applicant shall obtain all necessary local and state regulatory permits prior to operation of the project.

The reclaimed water distribution system shall comply with requirements contained in the AWWA publication "Guidelines for Distribution of Non-potable Water". The required separation of reclaimed water, potable water and raw wastewater piping shall be maintained.

All reclaimed water valves, outlets, quick couplers and sprinkler heads shall be of a type, or secured in a manner, that only permits operation by County-authorized personnel.

The areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

#### **Analysis Finding 1:**

The subject Classified Conditional Use Permit is to allow the spray of tertiary-treated sewage effluent generated by an existing Wastewater Treatment facility onto approximately 158 acres of land subject to this AT. An underground pipeline system will carry effluent from storage pond to the land subject to spray fields. The pipeline will be installed within the existing and proposed rights-of-ways of residential subdivisions. No other improvements are proposed by his application.

Staff review of the Site Plan demonstrates that five beneficial reuse areas that are subject to this Use Permit are adequate in size and shape to receive tertiary-treated water for the irrigation of open land with processed wastewater. No parking is required for the project and is not part of this proposal.

#### **Recommended Conditions of Approval:**

*None.*

#### **Conclusion Finding 1:**

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposal.

**Finding 2:** *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Millerton Road, Marina Drive, and Lakeridge Drive	No change
Direct Access to Public Road	Yes	N/A	Pipelines are proposed to be located underground.
Road ADT (Average Daily Traffic)		N/A	N/A

		Existing Conditions	Proposed Operation
Road Classification		Millerton Road – Arterial  Marina Drive – Collector  Lakeridge Drive – Minor Collector	No change
Road Width		N/A	The proposed Amendment to Text and Classified Conditional Use Permit should have no impact on road widths.
Road Surface		N/A	No change
Traffic Trips		N/A	The subterranean pipeline will be installed within the public road right-of-way maintained by County Services Area (CSA). According to the Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning these roads are not county-maintained roads and will have no impact on County maintained roads. The Design Division of the Fresno County Department of Public Works and Planning also reviewed the project and offered no comments related to traffic.
Traffic Impact Study (TIS) Prepared	Yes	N/A	No TIS was required for the project.
Road Improvements Required		N/A	No road improvements required. The project will have no impact on County maintained roads.

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Any crossings under County-maintained roads shall require an Encroachment Permit and may be subject to additional conditions.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

### **Analysis Finding 2:**

The project proposes to construct the underground pipelines along existing and proposed County right-of-way. The Road Maintenance and Operations Division has indicated that any future pipeline proposed to cross under County-maintained roads would be required to receive approval of an Encroachment Permit and could be subject to additional comments. The construction of pipelines under right-of-way would not increase the use of streets or highways where an impact would occur. Therefore, staff believes that the streets and highways are adequate to service the project.

### **Recommended Conditions of Approval:**

*See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.*

### **Conclusion Finding 2:**

Based on the above information, staff believes the project will not impact any county maintained road.

**Finding 3:** *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	20.34 acres 20.35 acres 15.20 acres	Refer to Exhibit 6	Refer to Exhibit 5	Subject parcels adjacent to residences
South	50.66 acres	Refer to Exhibit 6	Refer to Exhibit 5	N/A
East	19.5 acres	Refer to Exhibit 6	Refer to Exhibit 5	Subject parcels adjacent to residences
West	120 acres	Refer to Exhibit 6	Refer to Exhibit 5	Subject parcels adjacent to residences

### **Reviewing Agency/Department Comments:**

Department of Public Health, Environmental Health Division: If the project Applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Division 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous

Materials Business Plan pursuant to the California Health and Safety Code, Division 20, Chapter 6.95, Section 25507.

Should any underground storage tank(s) be found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance.

As a measure to protect ground water, all water wells and/or septic systems that exist and have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Consolidated Mosquito Abatement District: The Developer, Owner and management will be responsible for ensuring that the ongoing project takes all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production and will be required to respond to requests from the Consolidated Mosquito Abatement District (District) for actions to abate mosquito production on the property throughout the existence of the project. Further, the District will need to have unhindered access to areas where irrigation occurs for surveillance and control purposes if it becomes necessary to minimize and mitigate any nuisance or disease impacts created by the project. **This shall be included as a Mitigation Measure.**

Fresno County Fire Protection District: If future development is sought, the project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

San Joaquin Valley Air Pollution Control District: District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the Air District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). The project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to commencing construction on any permit-required equipment or process, a finalized ACT must be issued to the project proponent by the District.

The project may also be subject to District Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to adverse effects resulting from the project were expressed by reviewing Agencies or Departments.

### **Analysis Finding 3:**

The project sites are located east of the unincorporated community of Friant and northeast of the City of Fresno. The project sites are in various states including residential development, grazing land, or vacant.

An Initial Study prepared for the project has identified potential impacts to cultural resources, energy, hazards and hazardous materials, and hydrology and water quality. To mitigate cultural resources impact, the project was designed to avoid any known Cultural resource sites, and all work will be stopped if artifacts are uncovered during the ground disturbances and will be reported to a qualified archeologist for evaluation. To mitigate energy impact idling of on-site vehicles and equipment will be avoided to the most extent possible to minimize wasteful or inefficient energy consumption during project construction. To mitigate hazards and hazardous materials impact, the project will cooperate with the Consolidated Mosquito Abatement District to abate mosquito production on property planned to utilized treated effluent for irrigation purposes. To mitigation hydrology and water quality impact, the project will be required to receive approval for beneficial re-use areas from the California Regional Water Quality Control Board. These requirements have been included as Mitigation Measures (Exhibit 1).

Additional compliance through regulatory agency requirements that have been included as project notes would further ensure that the project would not result in an adverse impact on surrounding properties.

With the allowance of low-intensity agricultural uses at defined areas, the use of chemicals for the cultivation of agriculture could potentially occur. In consideration of the project sites proximity to existing and proposed residential areas within the Millerton Specific Plan, the use of chemicals could potentially have an adverse impact on the residents. Therefore, staff believes the inclusion of a Condition of Approval that would require that should any of the beneficial re-use areas identified in the project site for low-intensity agricultural use be prohibited from the application of chemicals. If the Applicant intends to utilize chemicals for the low-intensity agricultural use, an amendment to the Conditional Use Permit where an application and monitoring program will need to be assessed and approved by the decision-making body will be required.

With the inclusion of the identified Conditions of Approval and mandatory compliance with regulatory agencies as noted above, the project will not result in adverse impacts on abutting property or the surrounding neighborhood.

### **Recommended Conditions of Approval:**

*See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

### **Conclusion Finding 3:**

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will have no adverse effect upon surrounding properties. Finding 3 can be made.

**Finding 4:**     *That the proposed development is consistent with the General Plan.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Millerton Specific Plan Policy SP-A.1: The planned community of Millerton is designed to accommodate a population of 8,000 to 10,000. It incorporates the necessary housing (approximately 3,500 units), commercial and public facilities, recreation areas, and open space to provide for community residents.</p> <p>The Millerton Specific Plan is a set of regulations, conditions, programs, standards, and implementation measures necessary for the development of the town.</p> <p>The Specific Plan implements General Plan policy and is a refinement of the Sierra-North Regional Plan. It constitutes a statement of the location and extent of residential, commercial, recreation, open space, and public facilities, and describes the standards and implementation methods which will be used to develop the site.</p>	<p>Reviewing Agencies and Departments did not identify any conflicts with the project and the Millerton Specific Plan. The project will not impact the planned population of 8,000 to 10,000 or approximate 3,500 housing units, or other planned facilities of the Millerton Specific Plan.</p>
<p>Millerton Specific Plan Policy SP1-D: Provide for a variety of dwelling types, including apartments, townhouses, single-family attached and detached dwellings, and mobile homes.</p>	<p>The project would allow alternative options to the utilization of treated effluent throughout the specific planned area. The project would allow the planned area to continue growing while addressing capacity issues arising with the wastewater treatment facility.</p>
<p>Millerton Specific Plan Policy SP1-P83: Treated effluent may be disposed of in one of several ways, during winter when the evapotranspiration rate is very low, effluent will flow into ponds for storage, seepage, and partial evaporation. During the warmer months, most of the treated effluent shall be used to irrigate the open space, recreation, and buffer areas. The effluent may also be used to irrigate agricultural areas and other open space lands.</p>	<p>The proposed CUP would provide the Applicant the opportunity to utilize treated effluent in the Millerton Specific Planned Area as shown in Policy SP1-P83.</p>
<p>Millerton Specific Plan Policy SP1-E.4(c)4: Pursuant to General Plan Policy OS-H.2, five to eight acres of improved parkland per 1,000 population shall be designated (this will result in about 44.3 to 71 acres for the ultimate population of 8,000 to 10,000 people). The Millerton Specific Plan area has the following proposed parkland areas: A: Community Park: 5 acres</p>	<p>Reviewing Agencies and Departments did not express concern with the project relating to Policy SP1-E.4(c)4. The proposed project areas irrigated with treated effluent would meet State discharge requirements and would not reduce open space or park space already delineated in the Millerton Specific Plan.</p>



Relevant Policies:	Consistency/Considerations:
<p>B: White Fox Parkway south of Millerton Road: 40 acres</p> <p>The Community park will be constructed by the Developer of the project in which the park is located. County Service Area No. 34 will maintain these areas or improved park land. The Specific Plan, in addition to the above-referenced improved parkland area, has approximately 200 acres of irrigated open space areas for the receipt of the treated effluent. These areas will be transferred to and maintained by CSA-34 subject to future golf operations on a portion of this acreage. The 20-acre Clovis school site in Allocation Area G is not included in the summary of improved parkland set out above; however, it will contain baseball, soccer, and other athletic facilities that the school district advises will be available by community residents.</p>	
<p>General Plan Policy LU-A.1: The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructures are available.</p>	<p>The project intends to allow low-intensity agricultural uses and landscaping in identified re-use areas where treated effluent from the wastewater treatment facility can be utilized to irrigate these uses. These areas are within the specific planned area of the Millerton Specific Plan where urban growth is planned for. The project would not result in adverse conversion of agricultural land.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations, and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>The proposed uses are planned to be located within the planned boundaries or adjacent to the Millerton Specific Plan area. The proposed use would allow a low-intensity agricultural use to be located in vicinity of residential development and would not be considered incompatible as general agricultural uses may. The requirement for the Conditional use permit provides a means to ensure incompatible practices or uses are avoided.</p>
<p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The Conditional Use Permit would allow low-intensity agricultural to be located in proximity to non-agricultural uses to take advantage of treated effluent from the nearby wastewater treatment facility to</p>

Relevant Policies:	Consistency/Considerations:
	irrigate agricultural, grazing, or landscaping areas. The limited nature of the uses and requirement for a conditional use permit will provide a buffer from more intense general uses in adjacent Agricultural zoning.

### **Reviewing Agency Comments:**

The disposal of tertiary-treated effluent water is allowed by the Millerton Specific Plan. The Millerton Specific Plan identifies appropriate locations for the disposal of treated effluent within the Specific Plan Area. As stated in Policy SP1-P83 of the Specific Plan, treated effluent in the colder months will flow into ponds for seepage and storage. In the warmer months, effluent shall be used to irrigate the buffer areas and the areas designated for open space and recreation. As mentioned in the Standards section for Open Space and Recreation (SP1-E.4(c)4), the Specific Plan has approximately 200 acres of open space for the receipt of treated effluent water.

The disposal of tertiary-treated effluent water in open space areas of the Millerton Specific Plan are further supported by the intent of the Millerton New Town Infrastructure Plan. The plan states, “additional spray-field areas that can be included in the future include the executive nine-hole golf course, and landscaping associated with the conference center, hotel, and commercial areas proposed for the corner of Millerton Road and the Marina Drive. This will necessitate a reclaimed water irrigation line from the effluent storage reservoir up Marina Drive to this property. The reclaimed water line would also provide irrigation water for other landscaped or open space areas along this route.” The Infrastructure Plan further states: “as these plans are prepared, attention should be given to designating landscaped areas and open space as potential spray-field locations.” The areas mentioned along Marina Drive are designated as Open Space in the Millerton Specific Plan.

### **Analysis Finding 4:**

The project site is designated Medium Low Density Residential, Medium Density Residential, and Open Space in the Millerton Specific Plan.

While in general, agricultural uses in residentially designated areas would be inconsistent with LUA.12 and LUA.13, however the narrowed scope and requirement for a conditional use permit proposed by the text amendment permit avoids the potential of conflicting impacts and facilitates the need to provide a means of disposing of tertiary treated effluent from homes developed in the Millerton Newtown Specific Plan area in a beneficial fashion as is required by the State.

In particular animal agricultural operations could be incompatible with residential uses. There is existing open grazing operations that operate as legal nonconforming uses. To ensure that these existing allowed uses are not intensified, a Condition of Approval is being added that grazing operations shall not exceed existing herd population and density levels. And that land not currently utilized for grazing cannot be converted to such uses. Additionally, the use of chemicals for agricultural process has a potential for impacts on adjacent properties, hence a condition of approval which prohibits the application of any chemicals is prohibited unless an

approved application and monitoring program is proposed and approved as an amendment to the conditional use permit.

In consideration of the identified relevant policies, the proposed Conditional Use Permit would allow low-intensity agricultural uses to be located in residentially zoned areas to take advantage of tertiary-treated effluent that is produced and stored at the existing wastewater treatment facility. Review of environmental impacts in the prepared Initial Study did not identify any significant impacts to the allowance of small-scale agricultural uses in proximity of these residences and with the inclusion of the noted Conditions of Approval, the project is not expected to result a conflict with the policies of the Millerton Specific Plan or Fresno County General Plan.

**Recommended Conditions of Approval:**

*See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion Finding 4:**

Given the above discussion staff believes that Finding 4 can be made.

**Finding 5:** *That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.*

**Analysis Finding 5:**

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

**Conclusion Finding 5:**

Based on the above information, staff believes that the public health, safety and general welfare can be protected through the conditions of approval recommended for this project. Finding 5 can be made.

**PUBLIC COMMENT:**

None.

**SUMMARY CONCLUSION:**

Staff believes that the proposed Amendment to Text can be approved as detailed in Exhibit 2 and that based on the analysis the required five findings for granting a Classified Conditional Use Permit can be made.

## **SUMMARY RECOMMENDATION:**

Staff recommends that the Planning Commission make a motion to recommend approval of Amendment to Text Application No. 382 and Classified Conditional Use Permit Application No. 3727 to the Board of Supervisors subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit 1.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8157; and
- Recommend that the Board of Supervisors approve Amendment to Text (AT) No. 382 as proposed in Exhibit 2; and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit Application No. 3727 subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

### **Alternative Motion** (Denial Action)

- Recommend that the Board of Supervisors not approve Amendment to Text (AT) No. 382 (stating reasons for recommended action); and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:jp

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## EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Conditions of Approval, and Project Notes**

**Initial Study No. 8157**

**Amendment to Text No. 382**

**Unclassified Conditional Use Permit Application No. 3727**

## EXHIBIT 1

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 shall 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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Dept of Public Works and Planning (PWP)	During project construction
*2.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.	Applicant	Applicant/PWP	During project construction
*3.	Hazards and Hazardous Materials	To minimize and mitigate any nuisance and disease impact created by the project, the project proponent shall take all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production; shall respond to requests from Consolidated Mosquito Abatement District (District) for actions to abate mosquito production on the property throughout the existence of the project; and shall provide the District unhindered access to areas where irrigation occurs for surveillance and control purposes.	Applicant	Applicant/ Consolidated Mosquito Abatement District	During the life of the project

*4.	Hydrology and water Quality	Prior to the issuance of any required permit or installation of any component of the Beneficial Re-Use of Title 22, tertiary-treated sewage effluent, the applicant shall meet with and obtain approval on the plans for each area from the California Regional Water Quality Control Board.	Applicant	Applicant/PWP	During project construction
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Conditions of Approval CUP 3727					
1.	Development shall be in substantial compliance with the approved Site Plans and Operational Statement.				
2.	The Applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvement associated with this project. The Plans along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno, Department of Public Works and Planning for review and approval. The plans should include, but not be limited to property surveying, signage (sizes and types), earthwork, electrical and electrical wiring, pump sizing and locations, and site and equipment engineering.				
3.	A Technical Report with a summary of the amount of effluent water that is estimated to be used and the ability for the areas and uses proposed to utilize the effluent water must be prepared by a registered professional engineer, or other professional authorized under law to prepare such a report and submit this report to the County of Fresno Department of Public Works and Planning for review and approval. The technical report would be required prior to the acceptance of construction permit applications. The report will be the basis for determining the number of residential/commercial units that can be served by these areas.				
4.	All reclaimed water valves, outlets, quick couplers, and sprinkler heads shall be of a type, or secured in a manner that permits operation by County-authorized personnel.				
5.	The areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.				
6.	Grazing operations shall not exceed the existing heard population and density levels. Land not currently utilized for grazing will not be allowed to be converted for grazing use.				
7.	The application of chemicals for the cultivation of agriculture shall be prohibited unless an application and monitoring program is proposed and approved as an amendment to this Conditional Use Permit.				

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>The Development Engineering Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <p>A. According to FEMA FIRM Panel 1035H LOMR Case No. 12-09-1045P with effective date January 25, 2013, portions of the area of the parcel lots within APNs 300-542-13, 54S and 27 are within the Flood Zone AE, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future/proposed structure and associated electrical wiring, walk-in equipment, cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) including manure storage and drying location in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. Any future/proposed structure to be constructed within the Special Flood Hazard Area shall require FEMA Elevation Certificate. Any future/proposed building/structure near the Special Flood Hazard Area shall require a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines and/or existing structure(s). The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.</p> <p>B. The subject property is within the Low Water Area (Water Short Area). Any future/proposed development, Water and Natural Resources Division should be consulted regarding any requirements they may have.</p> <p>C. The subject property is located within the State Responsibility Area (SRA) boundary. Any future/proposed development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.</p> <p>D. According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Any future/proposed work within or near a stream requires clearance from California Department of Fish and Wildlife (CDFW).</p> <p>E. According to the wetlands mapper of the U.S. Fish and Wildlife Service, wetlands may be present within the subject property. For any development including the likely to be directed or sprayed of tertiary treated effluent on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.</p> <p>F. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.</p>



Notes	
	<p>G. Any future/proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board (CA RWQCB). CA RWQCB should be consulted for their requirements. Any future or proposed storage pond should be located outside the Special Flood Hazard Area.</p> <p>H. CA RWQCB should be consulted regarding any requirements they may have prior to spray disposal of the recycled wastewater.</p> <p>I. Any future/proposed work done within the County road right-of-way will require an Encroachment Permit from the Road Maintenance and Operations Division.</p> <p>J. Any future/proposed grading may require either a grading permit, improvement plan, permit or voucher.</p>
2.	<p>The Resources Division of the Fresno County Department of Public Works and Planning provide the following comments:</p> <p>A. All irrigation infrastructure required for this project shall be designed and constructed in accordance with the approved infrastructure plan. Where standards are unspecified in the Infrastructure Plan, the project shall be designed for Fresno County Improvement Standard and/or as approved by the Director of the Department of Public Works and Planning.</p> <p>B. Once accepted, the Applicant will provide a one-year warranty for all improvements.</p> <p>C. The Applicant shall obtain all necessary local and state regulatory permits prior to operation of the project.</p> <p>D. The reclaimed water distribution system shall comply with requirements contained in the AWWA publication "Guidelines for Distribution of Non-potable Water". The required separation of reclaimed water, potable water and raw wastewater piping shall be maintained.</p> <p>E. All reclaimed water valves, outlets, quick couplers and sprinkler heads shall be of a type or secured in a manner that only permits operation by authorized personnel.</p> <p>F. The areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.</p>
3.	Any crossings under County-maintained roads shall require an Encroachment Permit and may be subject to additional conditions.
4.	<p>The Fresno County Department of Public Health, Environmental Health Division provide the following comments:</p> <p>A. If the project Applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Division 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code, Division 20, Chapter 6.95, Section 25507.</p>

Notes	
	<p>B. Should any underground storage tank(s) be found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</p> <p>C. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance.</p> <p>D. As a measure to protect ground water, all water wells and/or septic systems that exist and have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</p>
5.	<p>If future development is sought, the project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
6.	<p>The San Joaquin Valley Air Pollution Control District provide the following comments:</p> <p>A. District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the Air District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). The project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to commencing construction on any permit-required equipment or process, a finalized ACT must be issued to the project proponent by the District.</p> <p>B. The project may also be subject to District Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).</p>

TK:jp  
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## EXHIBIT 2

Add to Section 823.3: Section 823.3.B: *Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

Add to Section 824.3: Section 824.3.N: *Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

Add to Section 825.3: Section 825.3.M: *Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

Add to Section 826.3: Section 826.3.N: *Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

Add to Section 827.3: Section 827.3.J: *Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

Replace Section 827-4.C in its entirety with: *Agricultural uses not specifically listed as permitted subject to a Conditional Use Permit.*



## EXHIBIT 3

### Jeff Roberts

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**Sent:** Wednesday, February 17, 2021 7:35 AM  
**Subject:** Project Description / Operational Statement ( Beneficial Re-Use of Tertiary Treated Effluent )

#### Background:

The Millerton Specific Plan was originally approved by the Fresno County Board of Supervisors in 1984. The Specific Plan requires that each residential or commercial development within the boundaries provide an adequate and suitable method or area for the "Beneficial Re-use" of "Title 22" tertiary treated sewage effluent generated by the project. The County Service Area No. 34 ( CSA 34 ) owns and operates a Wastewater Treatment Plant ( WWTP ) within the Specific Plan area and is responsible or must oversee that the ongoing maintenance of any areas irrigated with treated effluent is being accomplished according to State of California standards. As of January, 2021, the CSA processes approximately 70,000 gallons of wastewater each day. The tertiary treated effluent is currently held in a lined pond with a capacity of approximately 45 acre feet of storage. This pond is not adequate in size for the current development and is not adequate in size for any future development. The treated waste water is then either used for construction purposes within the Specific Plan or as irrigation water for landscaping or "Beneficial uses". The only area irrigated with treated effluent is an unpermitted 8 acre spray disposal area that was installed by a past developer within the Specific Plan. This location, aside from not meeting State of County standards, is not adequate for existing sewer system or any growth planned to occur within the Specific Plan Area.

In 2008, the State of California placed the entire Specific Plan area, the adjacent "Eagle Springs" ( formerly known as "Brighton Crest" ) Golf Course, and the adjacent "Brighton Crest" residential subdivision with the boundaries of a "Master Reclamation Permit". This authorizes that application of the tertiary treated effluent subject to the rules and regulations spelled out in the Waste Discharge Requirements ( Order No. R5-2008-0127 ). To date, the neither the County or the State has officially "permitted" a "Spray Disposal Area" or a "Beneficial Re-Use Area" within the boundaries of the Master Reclamation Area. The State has subsequently ( 2021 ) expanded the "Low Threat Waiver" for several locations within the Plan area. This application, if approved, will provide for the ability for land application of the treated effluent to be re-used within the community for irrigation of landscaping and selected agricultural crops.

#### Proposal:

The Assemi Group, on behalf of the property owners within the Specific Plan area, is interested in gaining the necessary approvals from Fresno County and the State of California to obtain permission to develop several areas for the application of the treated effluent generated by the CSA 34 WWTP. The proposed locations are under the ownership of the Assemi Group and are all currently vacant. The project area consists five areas with multiple parcels; there are portions of 10 Assessors' Parcels that are included in the 5 re-use acres totaling approximately 158 acres. The property is currently planned and zoned for residential and recreational use by the Millerton Specific Plan. A substantial portion of the potential re-use property was included in the previously approved Conditional Use Permit No. 2942. This application was granted by Fresno County in 2000 and provided for the development of a golf course and the spray disposal of tertiary treated effluent. That project was never constructed as planned. Additionally, a portion of the area was included within the boundaries of Conditional Use Permit No. 3576, an area once proposed for the installation of a Pistachio Orchard that would utilize the tertiary treated effluent. This application was approved in 2017 but was never developed and the land was sold to the Assemi Group.

The treated wastewater ( Effluent ) will be distributed to each of the Beneficial Re-Use Areas via underground pipes that will be installed by the developers with the Specific Plan. The pipes will be installed within the existing and proposed public road right of way and will eventually be owned, operated, and maintained by County Service Area No. 34.

Additionally, the Assemi Group has also filed a Conditional Use Permit ( CUP No. 3698 ) to provide for the installation of an additional Effluent Storage basin with a capacity of 100 acre feet. If approved, this facility will work in unison with the existing pond and system to provide a reliable supply of irrigation water for the proposed application areas. CUP No. 3698 has not been approved at the time of this writing but is scheduled for Planning Commission consideration.

If approved, the owners will contract for the construction irrigated landscaping, beneficial re-use areas with agricultural crops, and irrigated pasture. The entire 158 acres cannot be utilized for irrigated pasture due to the proximity of jurisdictional wetlands and of future conservation areas that will be preserved by a "Conservation Easement". The initial development of any of the areas may require a grading plan and permit, the installation of irrigation equipment and controls, access roadways, and related facilities required for the maintenance of the facility by CSA 34. A "Maintenance Plan" will be developed in conjunction with CSA 34 that will provide information needed to develop the maintenance budget and the required fees that will be incorporated in the Zone of Benefit budget. After completion of the facility, CSA 34 will administer / oversee the application of the Title 22 Effluent water to the area according to the standards of the Waste Discharge Requirements . Real estate development projects that benefit from the use of the WWTP and associated re-use facilities will pay CSA 34 fees linked to their respective "Zone of Benefit" within the County Service Area. The CSA will not "operate" any agricultural applications where the use of the treated effluent is the primary water source. The CSA will, however, enter into "Water Delivery Agreements" to accommodate the needs of the agricultural and non-agricultural water users to provide assurance of delivery as needed.

In addition to the Conditional Use Permit application, a "Text Amendment" will be filed and processed to provide for the ability to utilize the tertiary treated effluent for "Beneficial Re-Use" on all zone districts within the Millerton Specific Plan area. Currently, the application of the treated effluent can only occur on properties planned and zoned for "Open Space" uses. The Text Amendment will provide for the ability to utilize areas that have R-2, R-1, R-1-C, R-1-B, and R-1-E within the Millerton Specific Plan and on selected adjacent areas.

#### Effluent Application Areas:

This section of the project description identifies the generalized areas where the effluent will be re-used to grow an agricultural crop;

- South side of Millerton Road between Morningside Way and Marina Drive. Located between Tract No. 4968 and future Tract No. 6233, approximately 26 acres of Grapevines on the hillside and adjacent to Millerton and Morningside Way ( APN 300-340-13 and 60 )
- Approximately 57 acres of partially hilly land located south of Tract No. 4870. A portion of this land lies within the boundaries of approved TTM 4934 and a portion of the property was approved as a part of CUP No. 3576. This area will be planted with Grapevines ( APN 300-542-13, 16, 54, 55 )
- Approximately 16 acres of land owned by the Clovis Unified School District ( future playfield area ) ( APN No. 300-542-04, 07, 08 )
- Approximately 47 acres of future irrigated pasture land west of and adjacent to Tract No. 4976. This property was partially included in CUP No. 2942 and this land is also adjacent to the location of the proposed 100 acre foot lined "Effluent Storage Pond" described in CUP No. 3698 filed by the Assemi Group ( APN 300-542-51 )
- Approximately 18 acres of land located south of and adjacent to the existing WWTP and 45 acre foot storage pond ( APN 300-542-27 )

List of Affected Assessors' Parcel Numbers / portion of Parcel utilized for "Beneficial Re-Use":

- 300-340-13 ( approx. 3 acres )
- 300-340-60 ( approx. 15 acres )
- 300-542-07 ( 9.75 acres )
- 300-542-08 ( 7.18 acres )
- 300-542-13 ( approx. 37 acres )
- 300-542-54 ( approx. 2 acres )
- 300-542-55 ( approx. 15 acres )
- 300-542-16 ( approx. 3 acres )
- 300-542-27 ( 18.53 acres )
- 300-542-51 ( approx. 47.54 acres )

Proposed Amendment to Text:

Currently, the various residential zone districts that are found in the Millerton Specific Plan area do not allow the application of tertiary treated wastewater for the irrigation of landscaping and/or crops. The following changes to the zone districts will provide for consistency between the goals and policies in the Specific Plan and the implementing Zone Districts. The proposed text changes only apply to the Millerton Specific Plan area and several adjacent properties. The text of the following zone districts will be amended as follows:

- R-2: Remove Section 827.4C – Uses Specifically Prohibited – "Agricultural Uses" and add to Section 827-1 " E. Landscaping, Limited Agriculture, and Grazing shall be permitted within the Millerton Specific Plan Area when supplied or irrigated with a source of Title 22 Reclaimed Water".
- R-1: Add to Section 826-1 " I. Landscaping, Limited Agriculture, and Grazing shall be permitted within the Millerton Specific Plan Area when supplied or irrigated with a source of Title 22 Reclaimed Water"
- R-1-C: Add to Section 825-1 " I. Landscaping, Limited Agriculture, and Grazing shall be permitted within the Millerton Specific Plan Area when supplied or irrigated with a source of Title 22 Reclaimed Water"
- R-1-B: Add to Section 824-1 " H. Landscaping, Limited Agriculture, and Grazing shall be permitted within the Millerton Specific Plan Area and immediately adjacent areas when supplied or irrigated with a source of Title 22 Reclaimed Water"
- R-1-E: Add to section 823-1 " C. Landscaping, Limited Agriculture, and Grazing shall be permitted within the Millerton Specific Plan and immediately adjacent areas when supplied or irrigated with a supply of Title 22 Reclaimed Water"



Jeffrey T. Roberts | Entitlement Director

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E: [jroberts@assemigroup.com](mailto:jroberts@assemigroup.com)

W: [www.assemigroup.com](http://www.assemigroup.com)

1396 W. Herndon Ave., Ste. 110, Fresno, CA 93711



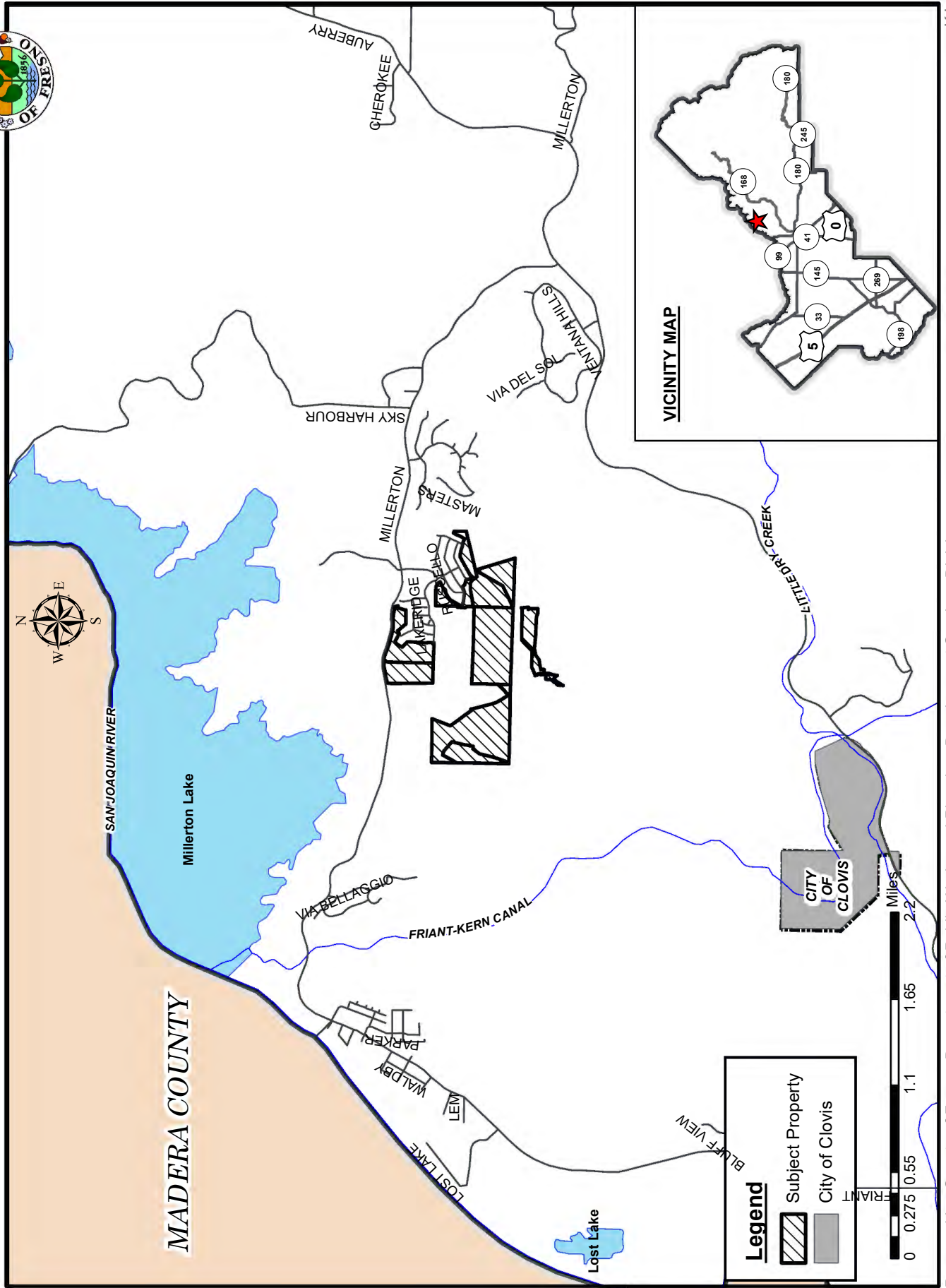


EXHIBIT 4

# LOCATION MAP



CUP 3727

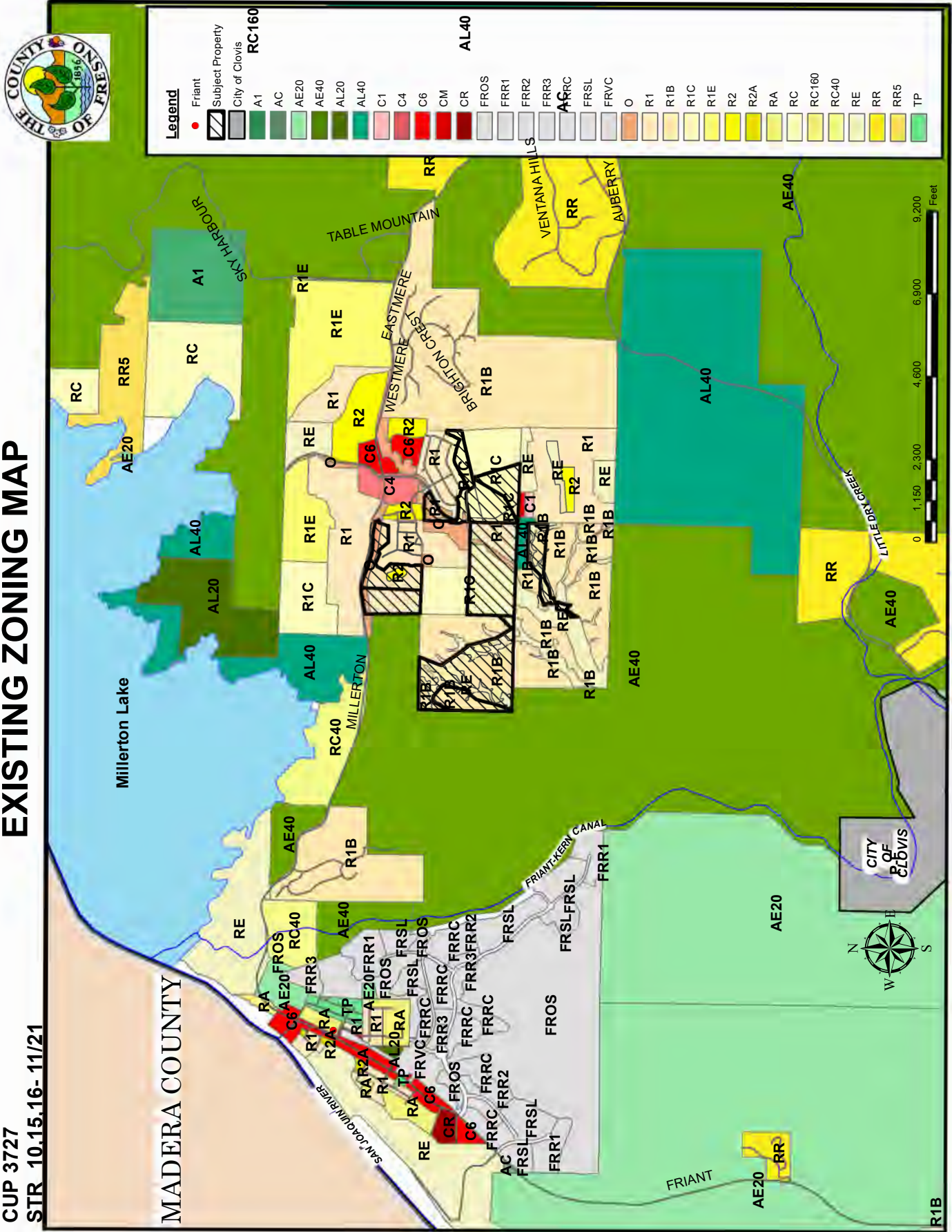




CUP 3727

STR 10.15.16- 11/21

# EXISTING ZONING MAP



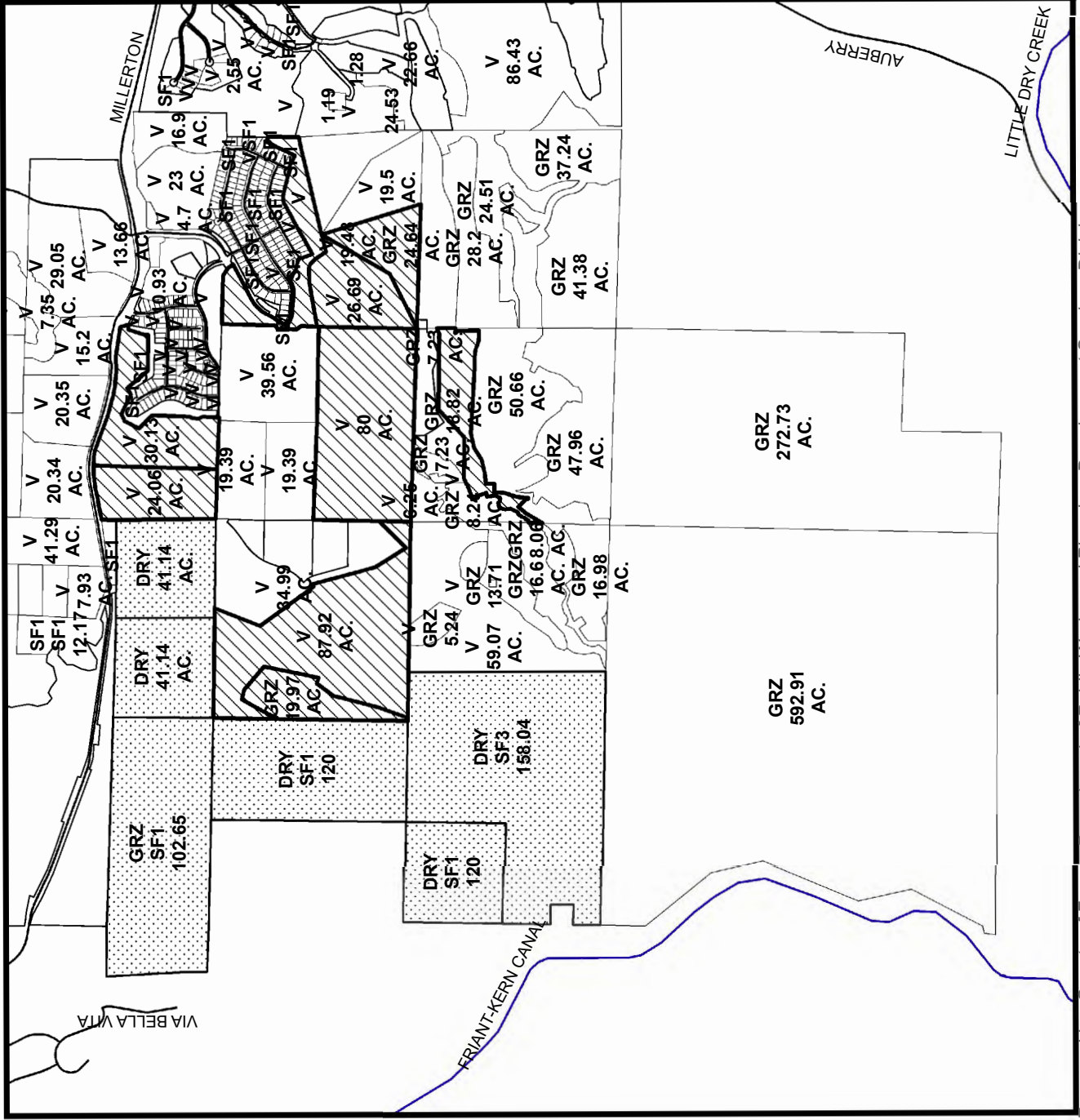






# EXISTING LAND USE MAP

CUP 3727



LEGEND	
DRY - DRY FARMING	
GRZ - GRAZING	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

## LEGEND:

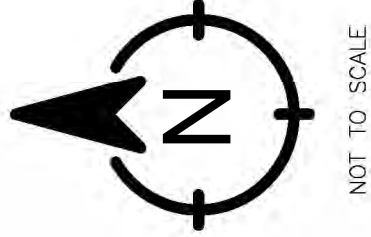
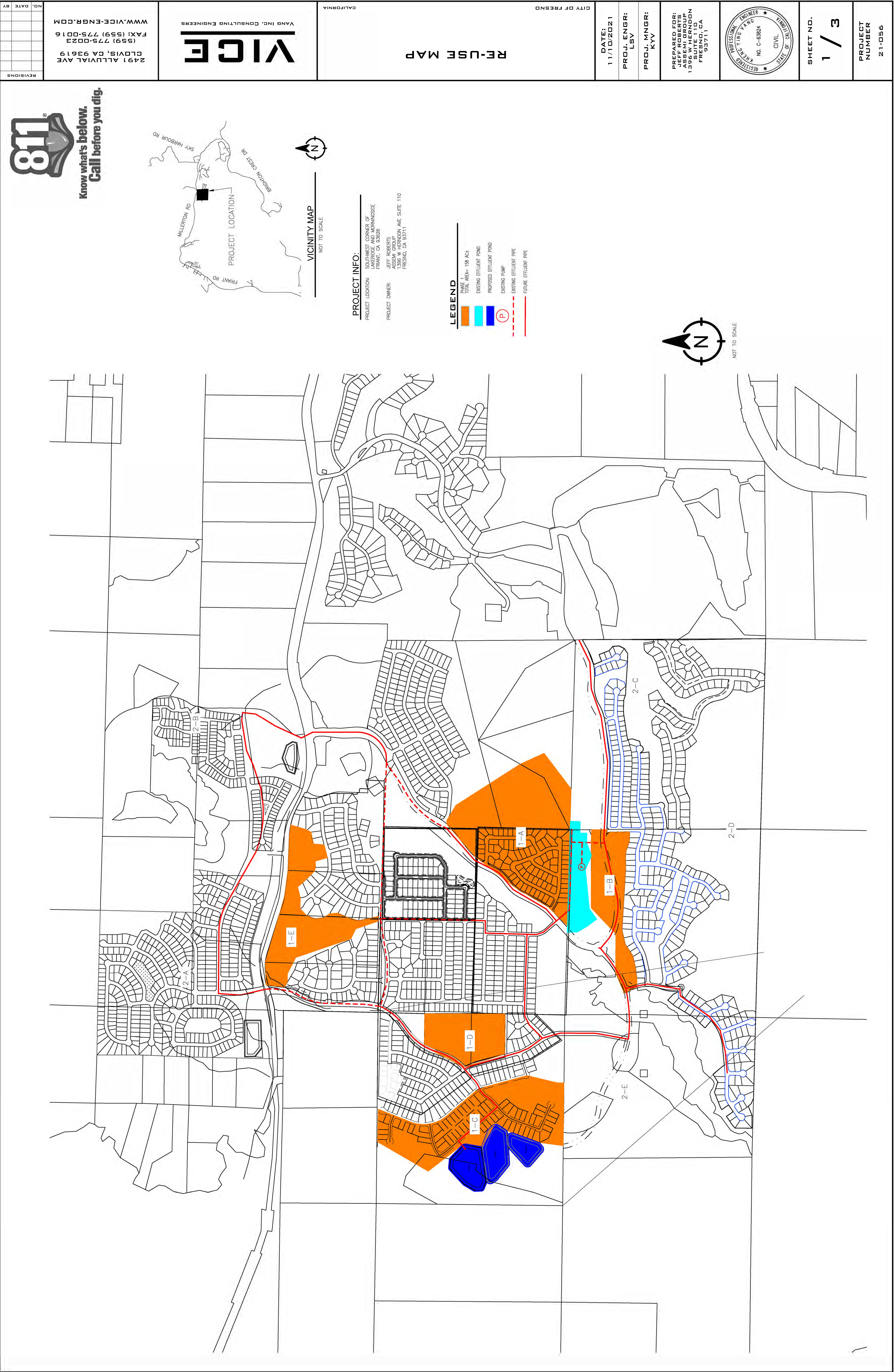
-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division







- LEGEND**
- PHASE 1
  - TOTAL AREA= 158 AC±
  - EXISTING EFFLUENT POND
  - PROPOSED EFFLUENT POND
  - EXISTING PUMP
  - EXISTING EFFLUENT PIPE
  - FUTURE EFFLUENT PIPE

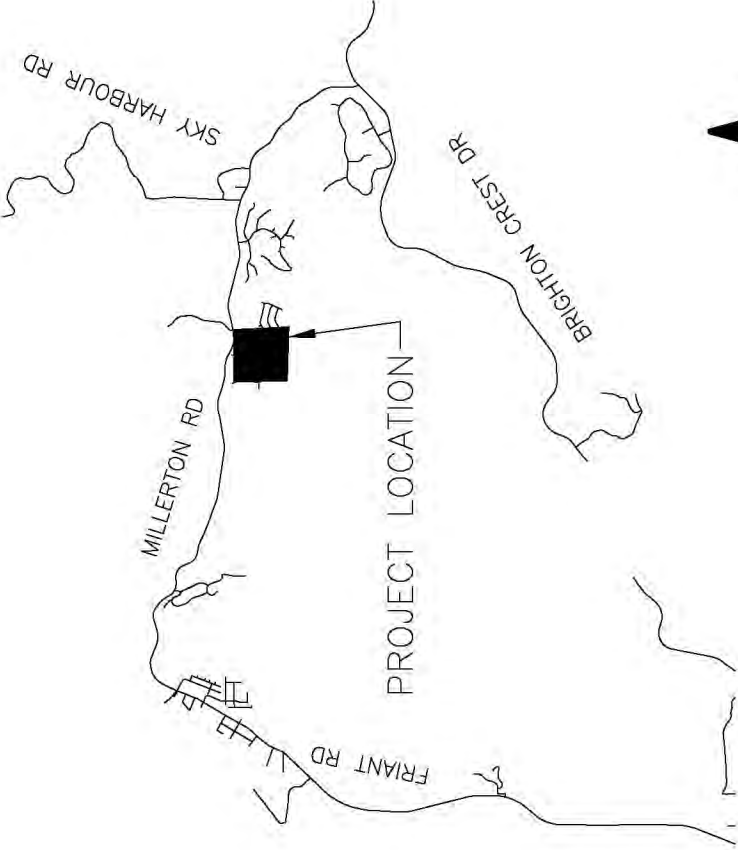
**PROJECT INFO:**

PROJECT LOCATION: SOUTHWEST CORNER OF  
JACKERHOE AND MORNINGSIDE  
FRAMIT, CA 93626

PROJECT OWNER:  
JEFF ROBERTS  
ASSEM GROUP  
1396 W HERNDON AVE SUITE 110  
FRESNO, CA 93711



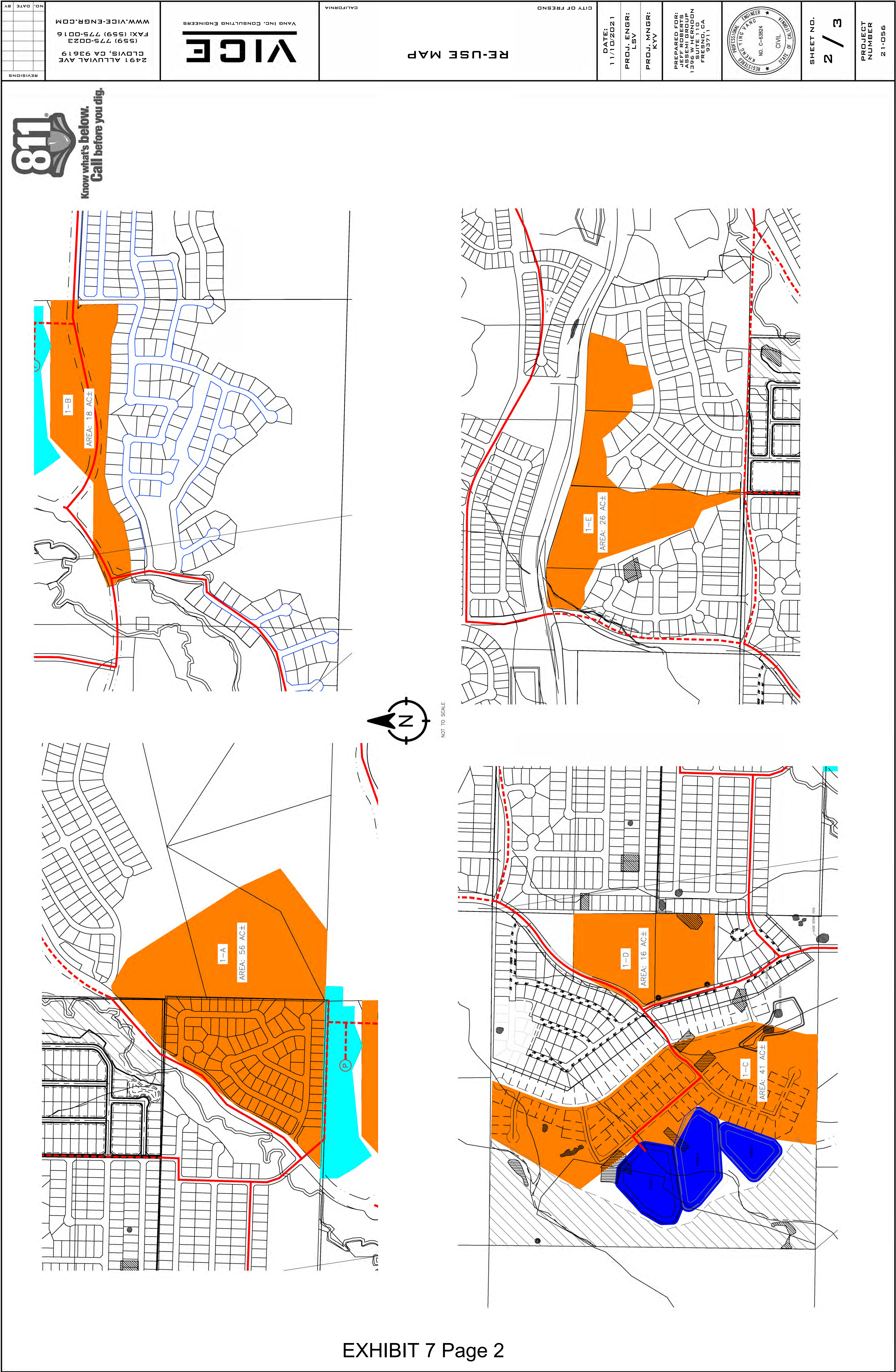
VICINITY MAP  
NOT TO SCALE



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CITY OF FRESNO		RE-USE MAP		YANG INC. CONSULTING ENGINEERS		WWW.VICE-ENG.COM		NO. DATE BY	
DATE: 11/10/2021		PROJ. ENGR: LSV		PROJ. MNGR: KYV		PREPARED FOR: JEFF ROBERTS ASSEM GROUP 1396 W HERNDON FRESNO, CA 93711		REGISTERED PROFESSIONAL ENGINEER KEN YOUNG YANG NO. C-63824 CIVIL STATE OF CALIFORNIA	
SHEET NO. 1 / 3		PROJECT NUMBER 21-056		2491 ALLUVIAL AVE CLAVIS, CA 93619 (559) 775-0023 FAX: (559) 775-0016		REVISIONS		11/10/2021 2:55 PM	



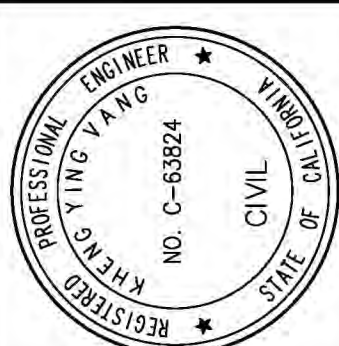


NO. DATE BY	WWW.VICE-ENG.COM 2491 ALLUVIAL AVE CLOVIS, CA 93619 (559) 775-0023 FAX: (559) 775-0016	VICE VANG INC. CONSULTING ENGINEERS	RE-USE MAP CITY OF FRESNO CALIFORNIA	DATE: 11/10/2021 PROJ. ENGR: LSV PROJ. MNGR: KYV	PREPARED FOR: JEFF ROBERTS CITY OF FRESNO 1396 W HERNDON SUITE 110 FRESNO, CA 93711	REGISTERED PROFESSIONAL ENGINEER VANG INC. NO. C-63924 CIVIL STATE OF CALIFORNIA	SHEET NO. 2 / 3	PROJECT NUMBER 21-056
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PROJECT  
NUMBER  
21-056

3 / 3  
SHEET NO.



PREPARED FOR:  
JEFF ROBERTS  
ASSEMI GROUP  
1396 W HERNDON  
SUITE 110  
FRESNO, CA  
93711

PROJ. MNGR: KVV

PROJ. ENGR:

DATE: 11/10/2021

CITY OF FRESONO

CALIFORNIA

## RE-USE MAP



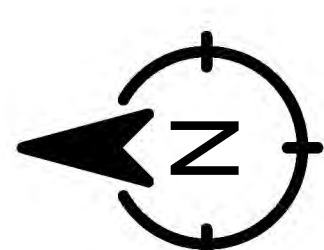
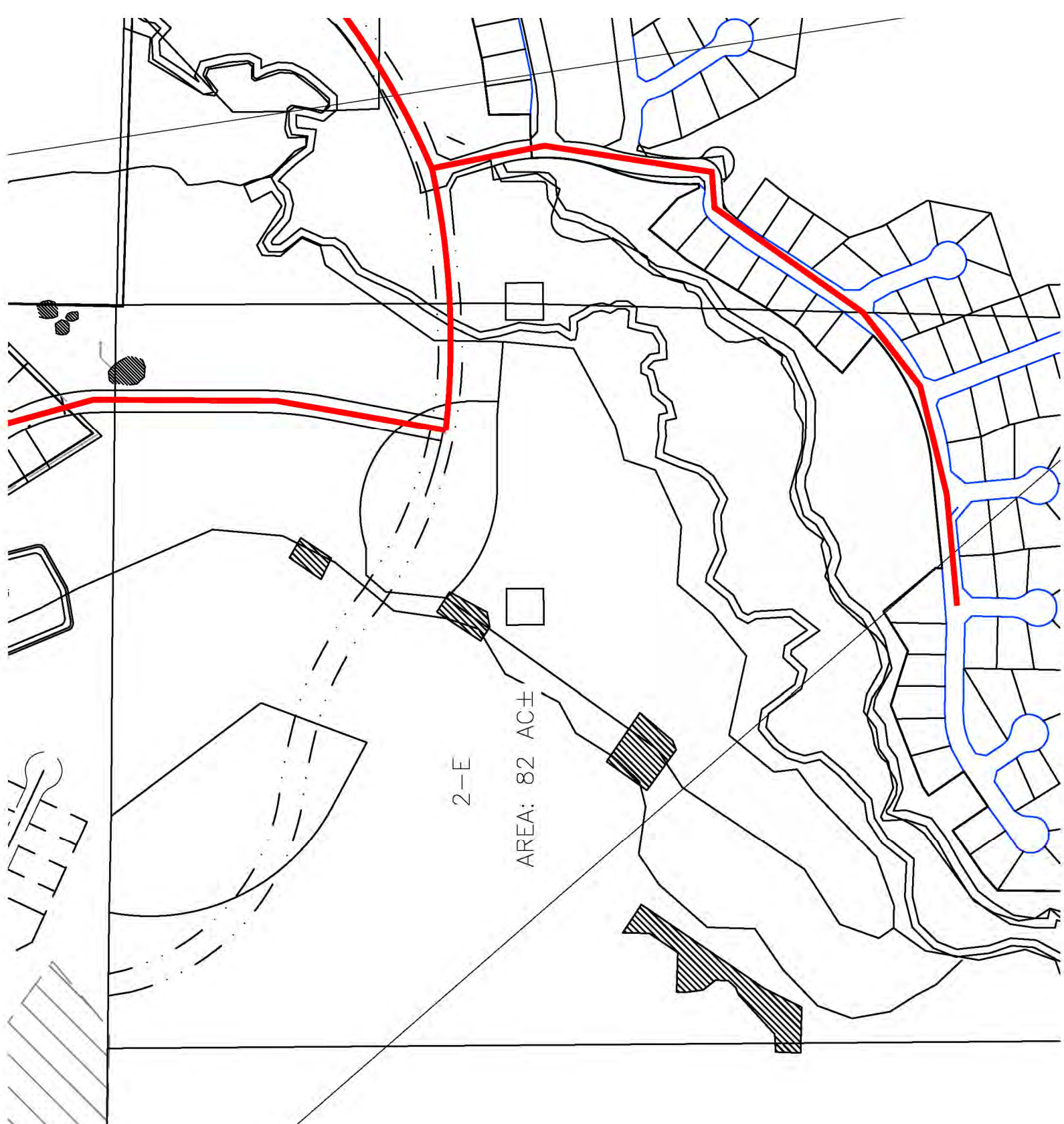
VIGE  
YANG INC. CONSULTING ENGINEERS

2491 ALLUVIAL AVE  
CLOVIS, CA 93619  
(559) 775-0023  
FAX: (559) 775-0016  
WWW.VICE-ENGINE.COM

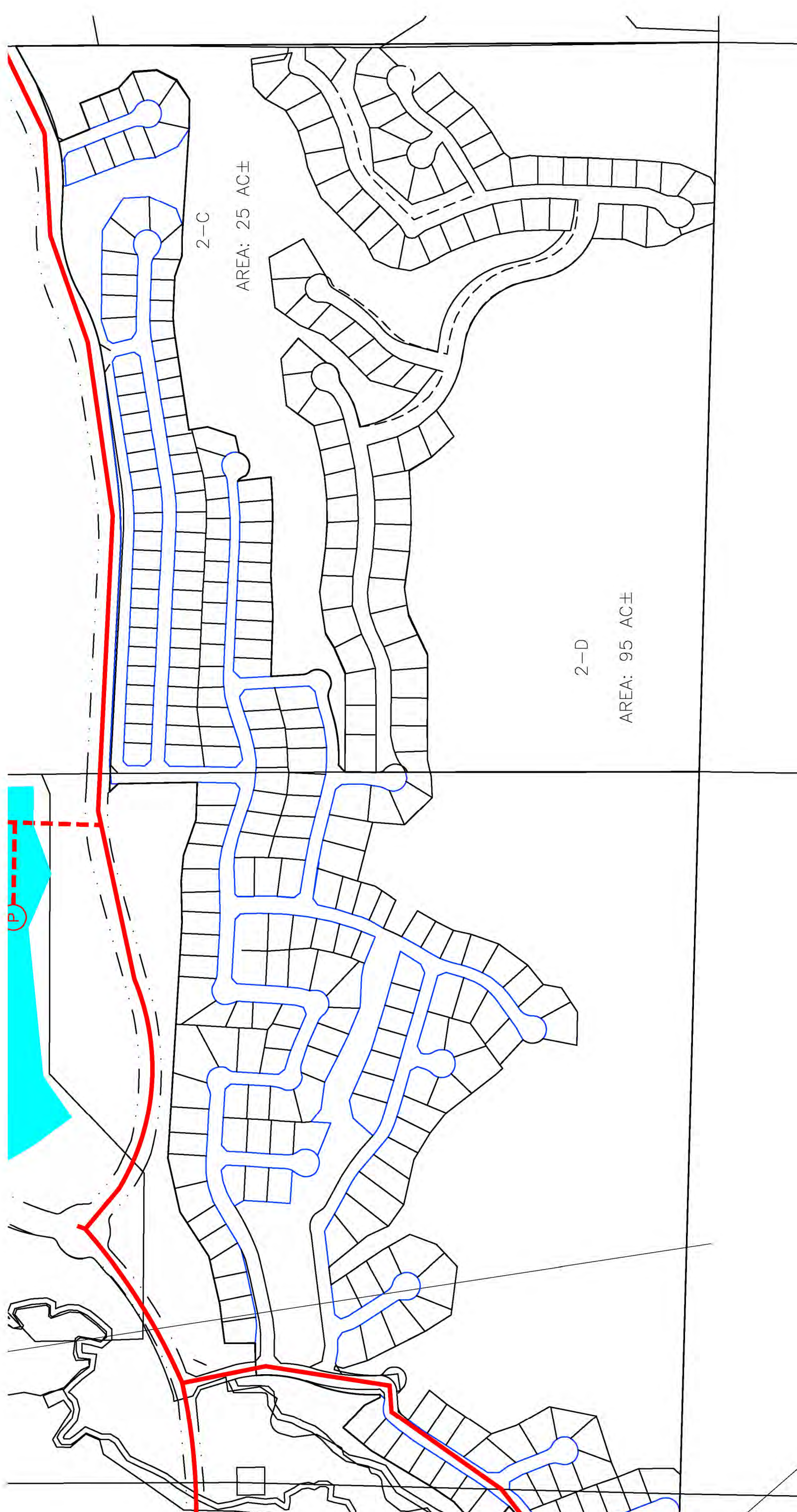
NO.	DATE	BY



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OT TO SCALE











# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

**APPLICANT:** Assemi Group, Inc.

**APPLICATION NOS.:** Initial Study No. 8157, Amendment to Text (AT) No. 382, Unclassified Conditional Use Permit Application No. 3727

**DESCRIPTION:** Amendment to Text No. 382 modifying the text of the Fresno County Zoning Ordinance to allow that Landscaping, Limited Agriculture, and Grazing to be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with tertiary treated sewage effluent from a municipal sewage system Within the:  
 R-1-E (Single-Family Residential, 37,500 square-foot minimum parcel size)  
 R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size),  
 R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size),  
 R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size); and  
 R-2 (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts, and  
 Unclassified Conditional Use Permit Application No. 3727 to allow the distribution of tertiary-treated sewage effluent from an existing wastewater treatment facility through lines in the public rights-of-way to spray fields on approximately 158 acres of land within Millerton Specific Plan boundary specifically for Landscaping, Limited Agriculture, and Grazing.

**LOCATION:** The Millerton Specific Plan is located approximately 1.5 miles east of the unincorporated community of Friant. The spray field components of the project site are comprised of five areas with portions on a total of 10 Assessor's parcels totaling 158 acres of open land located on the south side of Millerton Road within the Millerton Specific Plan boundary. The effluent distribution lines to the spray fields will be located within the public rights-of-ways. (APNs: 300-340-13, 300-340-60, 300-542-07, 300-542-08, 300-542-13, 300-542-54, 300-542-55, 300-542-16, 300-542-27 and 300-542-51 (Sup. Dist. 5).

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200

The County of Fresno is an Equal Employment Opportunity Employer

## DISCUSSION:

An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified for the Millerton Specific Plan was adopted in December 1984 as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA). Several additional environmental studies have been prepared since the 1984 certification, the most recent being in December 2004.

This Initial Study has been prepared in part to determine if the existing EIR is adequate for the proposed project pursuant to Section 21166 of the Public Resources Code, which states that no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 *et seq.* of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The subject project was routed to reviewing agencies initially in November 17, 2021 with mention of the previously adopted EIR and Specific Plan. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated. Based on staff's review of comments received, it has been determined that the provisions of Section 15162 will be utilized in preparing the environmental document.

This Initial Study has been prepared pursuant to Section 15162 of the CEQA Guidelines, to determine if the existing EIR is adequate for the proposed project, or whether any of the three events noted above have taken place necessitating preparation of a new or supplemental EIR.

The Lead Agency may then determine if a subsequent Negative Declaration is appropriate. A determination to prepare a Mitigation Negative Declaration has been made based upon the fact that Mitigation Measures were identified in the Initial Study.

Based upon the comments received, which indicated that no significant impacts would occur, if the project is approved, a Mitigated Negative Declaration has been prepared.

As a project condition, the Applicant would be required to comply with all applicable Mitigation Measures contained in the Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program identified in the previously certified EIR, as well as those identified in Initial Study No. 8157 prepared for this project. The Mitigation Measures and Monitoring Program Matrix is attached to this document for reference purposes.

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The subject Amendment to Text (AT) will modify the text of the Fresno County Zoning Ordinance for R-1-E, R-1-B, R-1-C, R-1 and R-2 Zone Districts to include that Landscaping, Limited Agriculture, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. The subject Unclassified Conditional Use Permit is to allow the spray of tertiary-treated sewage effluent generated by an existing Wastewater Treatment facility onto approximately 158 acres of land subject to this AT. An underground pipeline system will carry effluent from storage pond to the land subject to spray fields. The pipeline will be installed within the existing and proposed rights-of-ways of residential subdivisions.

One of the five Beneficial-Reuse areas subject to spray disposal of effluent is located on the south side of Millerton Road which is designated as a scenic roadway in the County General Plan. The General Plan policy requires that all development along scenic roadways shall maintain a minimum 200-foot open-space setback. The project does not propose or require any above-ground structures and therefore is not in conflict with setback requirements for scenic roadway. Furthermore, there are no scenic vistas, or scenic resources, including rock outcroppings, or historic buildings on or near five proposed spray sites that will be impacted by the project.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

No illumination is needed for the subterranean pipeline or the spray of wastewater on the landscape area, limited agriculture areas, or grazing land.

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of

Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

Within the Millerton Specific Plan boundary, there is no productive agricultural land subject to a Williamson Act Land Conservation Contract. According to the 2016 Fresno County Important Farmland Map, all land within Millerton Specific Plan (MSP) is designated as Grazing Land suited to grazing of livestock.

The proposed Amendment to Text (AT) will amend the text of R-1-E, R-1-8, R-1-C, R-1, and R-2 Zone Districts to allow Landscaping, Limited Agriculture, and Grazing within or adjacent to MSP Area when supplied or irrigated with a source of tertiary treated sewage effluent. With the approval of the proposed AT, spraying of tertiary treated sewage effluent onto 156 acres of open land will not be in conflict with Zoning Ordinance.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project site is not active forest land or timberland. The site is designated for residential uses and this designation will not change due to the subject proposal.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: NO IMPACT:

San Joaquin Valley Unified Air Pollution Control District (District) reviewed the project and indicated that the project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). The project complies with all applicable rules and regulations from the applicable Air Quality Plan (AQP). No impact would occur.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: NO IMPACT:

As noted above, the project construction and operational emissions would not exceed the District's significance thresholds. The project is consistent with the applicable Air Quality Attainment Plan and would not result in significant cumulative health impacts.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

Sensitive receptors are defined as locations that houses or attracts children, the elderly with illness, or other who are sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools.

Per the comments provided by SJVAPCD, the project's regional construction and operational emissions would not exceed the District's significance thresholds. The project is consistent with the applicable Air Quality Attainment Plan and would not result in significant cumulative health impacts.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. The project site is near planned residential subdivisions.

San Joaquin Valley Unified Air Pollution Control District (District) has determined that the common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump, stations, composting facilities, feed lots, coffee roasters, asphalt batch plants and rendering plants. The proposed project is not one of these activities. The subject proposal would allow ground application of tertiary-treated sewage effluent generated by a Wastewater Treatment Facility.



During construction of the project various diesel-powered vehicles and equipment used onsite would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore be less than significant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal is part of the Millerton Specific Plan for which the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) on August 25, 2018. All development projects within the Millerton Specific Plan boundary, including the subject proposal, are required to comply with Avoidance and Minimization Measures noted in the BO memo.

The project was routed to United States Fish and Wildlife Services and the California Department of Fish and Wildlife (CDFW) for comments. CDFW was also contacted for comments by the project applicant. No comments were provided by either agency.

- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

All land within the Millerton New Town Specific Plan has been subject of Wetlands Delineation and Verification with the U.S. Army Corps of Engineers (USACE).

The project will be subject to Clean Water Act (CWA) Section 404 dredge and fill permits, Section 401 water quality certifications and California Fish and Game Code Section 1602 streambed alteration agreements, where applicable.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

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

FINDING: NO IMPACT:

Per the Millerton Specific Plan Policy SP1-P68, Habitat Preservation, an Open Space and Natural Resource Plan (OSNRP) has been established for the Millerton, Dry Creek and Sierra Foothill areas. The OSNRP will provide protection to sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge tops and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.

The 158 acres of land to receive tertiary-treated sewage effluent generated by a Wastewater Treatment facility is currently unimproved with no vegetation. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinances.

#### V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project site is in an area designated as highly sensitive for archeological Resources. A study entitled *Cultural Resources Inventory (CRI) Millerton New Town Specific Plan*, was prepared by Kristina Roper and dated April 21, 2014. While encompassing all properties within the Millerton New Town Specific Plan area, this study was used as the basis for preparing a Cultural Resources Management Plan for Millerton Specific Plan development projects.

Per the *Cultural Resources Inventory (CRI)*, there are six archeological sites within the entire Millerton Specific Plan area that appear to meet the eligibility criteria for listing in the National Register of Historic Places and the California Register of Historic Resources. None of those sites are located within 158 acres of area subject to receiving

tertiary-treated effluent. Other sites identified in the CRI and scattered throughout the Millerton Specific Plan area are comprised of milling features. These sites are not eligible for NRA and do not appear to be in dispositional area where buried materials and/or features may be anticipated.

Additionally, the applicant and local tribe, Picayune Rancheria of the Chukchansi Indians, met and reviewed the project and known cultural resources to verify that the project did not impact said sites. While the area is rich in cultural resources no conflicts or impacts were identified.

The project will adhere to the following mitigation measure to ensure that in the unlikely event that cultural resources are unearthed during ground disturbance, impacts to cultural resources remain less than significant. The Mitigation Measure No. 12. c. - Historic/Cultural Resources listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix also reflects on this requirement.

\* **Mitigation Measure:**

1. *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 shall 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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project is unlikely to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. To minimize the potential for wasteful or inefficient consumption of energy resources, the project will adhere to the following Mitigation Measure.

\* **Mitigation Measure:**

1. *The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.*

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project is not in any identified landslide hazard area.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading associated with laying of subsurface pipeline will adhere to the Grading and Drainage Sections of the County Ordinance Code.

The project will adhere to Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that the Applicant shall provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

Per Figure 9-6 of Fresno County General Plan Background Report, the project is not in an area at risk of landslides. The installation of subsurface pipelines would not result in underground materials movement and poses no risks related to subsidence.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The Millerton Specific Plan identifies no potential soil problems. According to the Soils Analysis contained in the 1984 Environmental Impact Report (EIR) for Millerton Specific Plan, the predominant soil type in the area is not subject to shrink/swell. There is no geomorphic evidence of past landslides, slumps or mudslides on the site or adjacent property.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: NO IMPACT:

The project requires no restroom facility for which an onsite wastewater disposal system may be required.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) does not have a recommendation for assessing the significance of construction related emissions, however, other jurisdictions such as the Sacramento Metropolitan Air Quality Management District (SMAQMD) have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is

complete. The SMAQMD has established quantitative significance thresholds of 1,100 MT CO<sub>2</sub>e per year for the construction phases of land use projects. As such, annual construction emissions below the 1,100 MTCO<sub>2</sub>e would have a less than significant cumulative impact on GHGs.

The subject proposal is identical in nature to a recently approved CUP No. 3698 which was permitted to allow a 100-acre-foot inground tertiary-treated effluent storage pond and related subterranean pipelines to transport tertiary-treated sewage effluent from an existing Wastewater Treatment Facility to the pond. The construction intensity and duration of the subject proposal is far less than construction activity associated with CUP No. 3698. The subject proposal involves laying of subterranean pipeline only. The pipeline will carry effluent from the approved effluent storage pond to irrigate 158 acres of open land within the Millerton Specific Plan boundary.

The total construction-generated greenhouse gas emissions related to CUP 3698 from emission sources such as site grading, reclaimed water main, and other activities was 213 MTCO<sub>2</sub>e. Given the scope of the subject proposal, the total construction-generated greenhouse gas emissions generated is anticipated to be less than 213 MTCO<sub>2</sub>e and well below the significant threshold of 1,100 MTCO<sub>2</sub>e.

Regarding operational GHG Emission, after construction of underground piping system, the ground will be returned to pre-construction condition resulting in no associated operational emissions of GHG.

In summary, the GHG impacts resulting from the subject proposal would be less than significant. The proposal is not in conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

#### IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the proposal and requires the following as Project Notes: 1) any use and/or storage of hazardous materials and/or hazardous wastes shall meet the

requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; 2) submittal of a Hazardous Materials Business Plan may be required pursuant to the HSC, Division 20, Chapter 6.95, Section 25507; and 3) should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department.

The nearest school, Foothill Elementary School, is approximately 8.7 miles northeast of the project site.

The Consolidated Mosquito Abatement District (CMAD) reviewed the proposal and stated that use of tertiary-treated effluent water to irrigate landscape plants limited agricultural crops can be beneficial if undertaken with oversight, attention and planning to reduce the potential for mosquito production. The inclusion of pasture as a crop is a significant source of mosquito production and cost to control, in terms of manpower and pesticide.

The CMAD requires that project proponent shall be responsible for ensuring that the ongoing project takes all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production and be required to respond to requests from CMAD for actions to abate mosquito production on the property throughout the existence of the project. Further, the District shall have unhindered access to areas where irrigation occurs for surveillance and control purposes, if it becomes necessary to minimize and mitigate any nuisance or disease impacts created by the project. The project will adhere to these requirements and are noted below as a Mitigation Measure:

**\* Mitigation Measure:**

1. *To minimize and mitigate any nuisance and disease impact created by the project, the project proponent shall take all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production; shall respond to requests from Consolidated Mosquito Abatement District (District) for actions to abate mosquito production on the property throughout the existence of the project; and shall provide the District unhindered access to areas where irrigation occurs for surveillance and control purposes.*

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the search results of the CalEPA (Cortese List: Section 65962.5(a), the 158 acres project site is not listed as a hazardous materials site. The project will not create hazards to the public, or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County Airport Land Use Compatibility Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 13.5 miles south of the project site. The airport will not result in a safety hazard for the project.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not impair implementation of, or physically interfere with an adopted emergency response/evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is within the State Responsibility Area for wildland fire. There are no above ground structures associated with the proposal which may expose persons or structures to wildland fire hazards. No impact would occur.

#### X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

According to the California Regional Water Quality Control Board (RWQCB), the existing wastewater discharge at Millerton Specific Plan (MSP) is regulated by Waste Discharge Requirement Order No. R5-2008-0127 and Master Reclamation Permit Order No. 2008-0128.

The RWQCB reviewed the proposal and required additional information to be provided on the land disposal areas and the crops to be grown. RWQCB also required that timing of the effluent application on the ground shall be in accordance with Master Reclamation Permit Order No. 2008-0128.

The applicant is working on a detailed design for the first of five effluent application areas. The design will indicate the grading necessary for the "protection" of the Rocky Branch Creek, the method of irrigation and the proposed crop and will be presented to



RWQCB for review and approval. The project will adhere to the following Mitigation Measure:

\* **Mitigation Measure:**

1. *Prior to the issuance of any required permit or installation of any component of the Beneficial Re-Use of Title 22, tertiary-treated sewage effluent, the applicant shall meet with and obtain approval on the plans for each area from the California Regional Water Quality Control Board.*

The Resources Division of the Fresno County Development Services and Capital Projects Division reviewed the subject proposal and requires the following as Project Notes: (1) all irrigation infrastructure required for the project shall be designed and constructed in accordance with the approved Millerton Infrastructure Plan; (2) the applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project; (3) the plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval; (4) the applicant shall provide a one-year warranty for all improvements; and (5) the applicant shall obtain all necessary local and state regulatory permits prior to the project operation; (6) the reclaimed water distribution system shall comply with requirements contained in the AWWA publication "Guidelines for Distribution of Non-potable Water"; (7) the required separation of reclaimed water, potable water and raw wastewater piping shall be maintained; (8) all reclaimed water valves, outlets, quick couplers and sprinkler heads shall be of a type, or secured in a manner, that only permits operation by authorized personnel; and (9) the areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project will not decrease ground water supplies. In fact, application of tertiary-treated effluent on 158 acres land (project site) by using irrigation equipment will help improve groundwater resources.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and offered no comments. The State Water Resources Control Board Division of Drinking Water (SWRCB-DDW) also reviewed the proposal and stated that the project does not meet the definition of a new public water system and is not subject to a permit from SWRCB-DDW.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site; or
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause minimal changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall be subject to the following requirements included as Project Notes. The project shall require either a grading plan, improvement plan, permit, or voucher; file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the California Regional Water Quality Control Board before the commencement of any construction activities disturbing 1.0-acre or more of area; and provide copies of completed NOI and SWPPP to Development Engineering prior to any grading work.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1035H LOMR Case No. 12-09-1045P, portions of the area of the parcel lots with APNs 300-542-13, 54 and 27 are within the Flood Zone AE, subject to flooding from the 100-year storm. A Project Note would require that any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the application to indicate that the project will conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

## XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project is within Millerton Specific Plan boundary, a self-sustained community.

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails Amendment to Text (AT) No 382 modifying the Fresno County Zoning Ordinance to add the following language to the R-1-E, R-1-B, R-1-C, R-1, and R-2 Zone Districts:

*Landscaping, Limited Agriculture, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.*

AT 382 was filed in conjunction with Unclassified Conditional Use Permit Application No. 3727 to be able to irrigate 158 acres of open land with tertiary-treated effluent generated by an existing Wastewater Treatment Facility. The subject land is designated as Medium Low Density Residential, Medium Density Residential, Public Facilities, and Open Space in the Land Use and Circulation Elements of the Millerton Specific Plan.

With the approval of AT 382, the limited conditionally approved spraying of tertiary-treated sewage effluent for landscaping, agriculture and grazing on residentially zoned properties noted above would be in conformance with land use plan, policy, or regulation of Fresno County.

The project complies with the following Millerton Specific Plan policies.

Regarding Millerton Specific Plan Policy SP1-P83, the tertiary-treated effluent generated by an existing WWTF will be stored in a 100-acre-foot effluent storage pond for the purpose of seepage, and partial evaporation and will be used to irrigate agricultural, landscaping, and grazing areas.

Regarding Millerton Specific Plan Policy SP1-P45, the tertiary-treated effluent will be used to irrigate 158 acres of land within the Millerton Specific Plan area subject to the approval of AT and CUP

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located within a mineral-producing area of the County.

### XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction activities related to underground pipeline could increase noise level in the area. However, noise impacts associated with construction will be temporary and are required to adhere to the County Noise Ordinance.

- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The construction or operation of the project would not result in ground-borne vibration or generate ground-borne noise levels.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See Section IX. E. above.

### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

This project is unrelated to population growth. No impact would occur.

#### XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed the project and did not identify any concerns related to fire hazard.

- 2. Police protection; or

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on police protection, parks, schools, or other public facilities.

#### XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not require new or expanded recreational facilities in the area.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

The subterranean pipeline will be installed within the public road right-of-way maintained by County Services Area (CSA). According to the Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning these roads are not county-maintained roads and will have no impact on County maintained roads. The Design Division of the Fresno County Department of Public Works and Planning also reviewed the project and offered not comments related to traffic.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

The project related construction activities would generate fewer than 110 trips per day which is presumed to cause a less-than-significant transportation impact per the State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts* in CEQA dated December 2018 (OPR Technical Advisory). As such, the project will have no traffic impact related to vehicle miles travel (VMT).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project will not change the existing roadway design, or result in inadequate emergency access within or near the Millerton Specific Plan boundary. No impacts would occur.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
  2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area designated as highly sensitive for archeological Resources. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested for consultation. Table Mountain Rancheria, however, indicated that all cultural sites within the project area shall be avoided. A Mitigation Measure included in the CULTURAL ANALYSIS section above will reduce impact to cultural resources to less than significant.

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will not generate any solid waste for disposal to local land-fill. No impact would occur.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project is located within the State Responsibility Area (SRA). Due to no above-ground structure proposed, the project will not be subject to wildfire issues noted above.



## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within an area of wildlife and wetlands which were previously identified in the Environmental Impact Report certified for the Millerton Specific Plan approved in 1984. As indicated in the above analysis, the project will adhere to Mitigation Measures listed in the Monitoring Program Matrix, Avoidance and Minimization Measures noted in the Biological Opinion (BO) for Millerton Specific Plan. Impacts on the Cultural Resources will be less than significant with a Mitigation Measure included in Section V above.

- B. Have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air Quality, Greenhouse Gas Emission or Transportation were identified in the project analysis. Impacts identified for Cultural Resources, Energy and Hydrology & Water Quality will be addressed with the Mitigation Measures discussed in Section V, Section VI, and Section X above.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon Initial Study No. 8157 prepared for Amendment to Text No. 382 and Unclassified Conditional Use Permit Application No. 3727, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems or wildfire.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, land use and planning, noise, and tribal cultural resources have been determined to be less than significant.

Potential impacts to cultural resources, energy, hazards and hazardous materials, and hydrology & water quality have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

EA:jp

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# EXHIBIT 9

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below for County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8157	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Assemi Group, Inc		Project Title: Amendment to Text No. 382 and Unclassified Conditional Use Permit Application No. 3727	
<p>Project Description:</p> <p>Amendment to Text No. 382 modifying the text of the Fresno County Zoning Ordinance to allow that Landscaping, Limited Agriculture, and Grazing to be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with tertiary treated sewage effluent from a municipal sewage system Within the: R-1-E (Single-Family Residential, 37,500 square-foot minimum parcel size) R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size), R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size), R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size); and R-2 (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts, and Unclassified Conditional Use Permit Application No. 3727 to allow the distribution of tertiary-treated sewage effluent from an existing wastewater treatment facility through lines in the public rights-of-way to spray fields on approximately 158 acres of land within Millerton Specific Plan boundary specifically for Landscaping, Limited Agriculture, and Grazing. The Millerton Specific Plan is located approximately 1.5 miles east of the unincorporated community of Friant. The spray field components of the project site are comprised of five areas with portions on a total of 10 Assessor's parcels totaling 158 acres of open land located on the south side of Millerton Road within the Millerton Specific Plan boundary. The effluent distribution lines to the spray fields will be located within the public rights-of-ways. (APNs 300-340-13, 300-340-60, 300-542-07, 300-542-08, 300-542-13, 300-542-54, 300-542-55, 300-542-16, 300-542-27 and 300-542-51 (SUP. DIST. 5).</p>			
<p>Justification for Mitigated Negative Declaration:</p> <p>Based upon the Initial Study (IS 8157) prepared for Amendment to Text No.382 Unclassified Conditional Use Permit Application No. 3727, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems, or wildlife. Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, land use and planning, noise, and tribal cultural resources have been determined to be less than significant. Potential impacts to cultural resources, energy, hazards and hazardous materials, and hydrology &amp; water quality have been determined to be less than significant with the identified Mitigation Measures.</p> <p>The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.</p>			
<p>FINDING:</p> <p>The proposed project will not have a significant impact on the environment.</p>			
Newspaper and Date of Publication: Fresno Business Journal – February 18, 2022		Review Date Deadline: Planning Commission – March 24, 2022	
Date: February 5, 2022	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. \_\_\_\_\_

## LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

## ATTACHMENT C

### SECTION 823

#### "R-1-E" AND "R-1-EH" – SINGLE FAMILY RESIDENTIAL ESTATE DISTRICTS

##### SECTION 823.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided for in Section 853.

- B. Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. (Added by Ord. adopted - -22)**

### SECTION 824

#### "R-1-B" – SINGLE FAMILY RESIDENTIAL DISTRICT

##### SECTION 824.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided for in Section 853.

- N. Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. (Added by Ord. adopted - -22)**

### SECTION 825

#### "R-1-C" – SINGLE FAMILY RESIDENTIAL DISTRICTS

##### SECTION 825.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 853.

- M. Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. (Added by Ord. adopted - -22)**

## SECTION 826

### "R-1" – SINGLE FAMILY RESIDENTIAL DISTRICT

#### SECTION 826.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 853

- N. Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. (Added by Ord. adopted - -22)**

## SECTION 827

### "R-2" AND "R-2-A" – LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICTS

#### SECTION 827.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 853

- J. Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. (Added by Ord. adopted - -22)**

#### SECTION 827.4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited.

- ~~G. Agricultural uses~~
- C. Agricultural uses not specifically listed as permitted subject to a Conditional Use Permit. (Added by Ord. adopted - -22)**

# ATTACHMENT D

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below for County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8157	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Assemi Group, Inc		Project Title: Amendment to Text No. 382 and Unclassified Conditional Use Permit Application No. 3727	
<p>Project Description:</p> <p>Amendment to Text No. 382 modifying the text of the Fresno County Zoning Ordinance to allow that Landscaping, Limited Agriculture, and Grazing to be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with tertiary treated sewage effluent from a municipal sewage system Within the: R-1-E (Single-Family Residential, 37,500 square-foot minimum parcel size) R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size), R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size), R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size); and R-2 (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts, and Unclassified Conditional Use Permit Application No. 3727 to allow the distribution of tertiary-treated sewage effluent from an existing wastewater treatment facility through lines in the public rights-of-way to spray fields on approximately 158 acres of land within Millerton Specific Plan boundary specifically for Landscaping, Limited Agriculture, and Grazing. The Millerton Specific Plan is located approximately 1.5 miles east of the unincorporated community of Friant. The spray field components of the project site are comprised of five areas with portions on a total of 10 Assessor's parcels totaling 158 acres of open land located on the south side of Millerton Road within the Millerton Specific Plan boundary. The effluent distribution lines to the spray fields will be located within the public rights-of-ways. (APNs 300-340-13, 300-340-60, 300-542-07, 300-542-08, 300-542-13, 300-542-54, 300-542-55, 300-542-16, 300-542-27 and 300-542-51 (SUP. DIST. 5).</p>			
<p>Justification for Mitigated Negative Declaration:</p> <p>Based upon the Initial Study (IS 8157) prepared for Amendment to Text No.382 Unclassified Conditional Use Permit Application No. 3727, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems, or wildlife. Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, land use and planning, noise, and tribal cultural resources have been determined to be less than significant. Potential impacts to cultural resources, energy, hazards and hazardous materials, and hydrology &amp; water quality have been determined to be less than significant with the identified Mitigation Measures.</p> <p>The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.</p>			
<p>FINDING:</p> <p>The proposed project will not have a significant impact on the environment.</p>			
Newspaper and Date of Publication: Fresno Business Journal – February 18, 2022		Review Date Deadline: Board of Supervisors, May 17, 2022	
Date: February 5, 2022	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. \_\_\_\_\_

## LOCAL AGENCY MITIGATED NEGATIVE DECLARATION