

1                                   **BEFORE THE BOARD OF SUPERVISORS**  
2                                   **OF THE COUNTY OF FRESNO**  
3                                   **STATE OF CALIFORNIA**  
4                                   **ORDINANCE NO. R- \_\_\_\_\_ -3809**

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

10  
11 The Board of Supervisors of the County of Fresno ordains as follows:

12  
13                   **SECTION 1.** This Ordinance is adopted pursuant to California Constitution, Article XI,  
14 Section 7, Government Code Sections 65850, 65854-65857, and Sections 811 and 878 of the  
15 Ordinance Code of Fresno County.

16  
17                   **SECTION 2.** All that portion of the unincorporated area of Fresno County consisting of  
18 the parcel described as: PARCELS 3, 4, 5 & 6 OF PARCEL MAP NO. 5768 ACCORDING TO  
19 THE MAP THEROF RECORDED IN BOOK 42, PAGE 11 OF PARCEL MAPS, FRESNO  
20 COUNTY RECORDS (No. 96156597), which heretofore has been classified in the R-1-B(c)  
21 (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District  
22 and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size,  
23 Conditional) Zone District pursuant to the Zoning Division of the Ordinance Code of Fresno  
24 County, located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry  
25 Road, 2,250 feet south of Millerton Road and 2.5 miles east of the unincorporated community of  
26 Friant is hereby changed to the 'O' (Open Conservation Land Use) Zone District as shown in  
27 Exhibit A, subject to the Conditions of Approval and Mandatory Project Note listed in Exhibit B.  
28

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

**SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-65857, this Ordinance, designated as Ordinance No. R- \_\_\_\_\_ -3809 shall take effect thirty days after its passage.

Adopted by the Board of Supervisors of Fresno County, California, on September 27,  
2016 by the following vote, to wit:

AYES:

NOES:

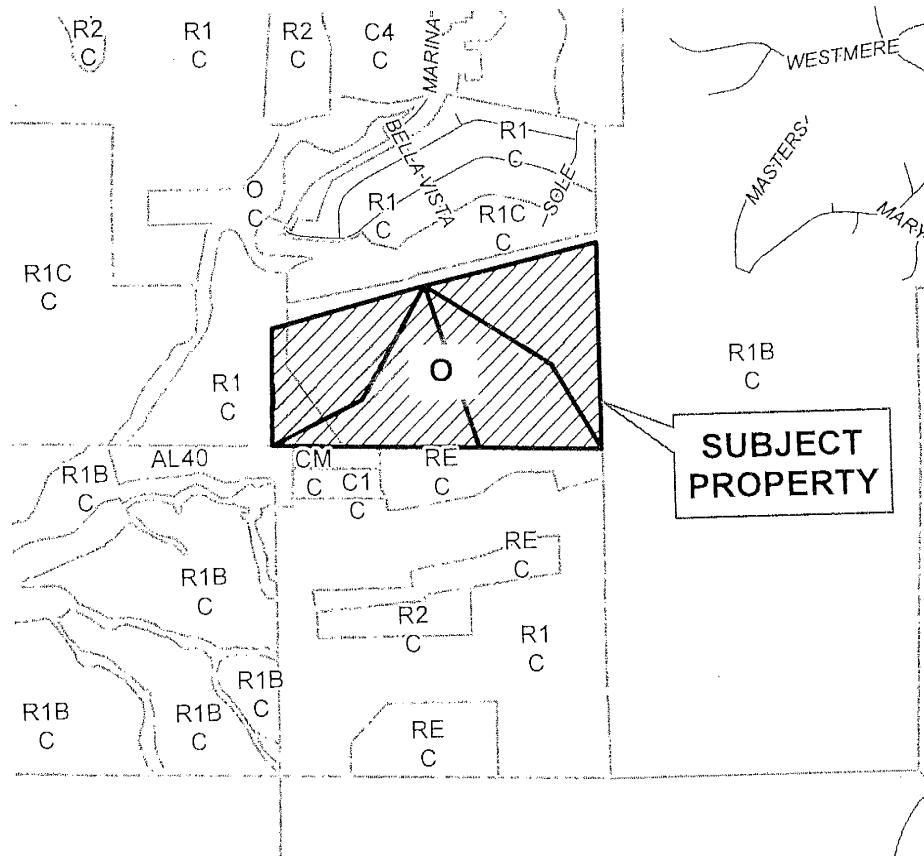
ABSENT:

ERNEST BUDDY MENDES, CHAIRMAN  
Board of Supervisors

ATTEST:

BERNICE E. SEIDEL, CLERK  
Board of Supervisors

**Exhibit "A"**



**Initial Study Application No. 7147/Amendment Application (AA) No. 3809  
Conditions of Approval and Project Notes**

	<p style="text-align: center;"><b>Conditions of Approval</b></p>
1.	<p>Future planting on the property shall be subject to the following requirements:</p> <ul style="list-style-type: none"> <li>a. Approval of a grading permit is required for site clearance and leveling prior to commencement of Agricultural activities. Agricultural activities are defined as 20 acres or more of crops, fruit trees, nut trees or vines.</li> <li>b. Irrigation tailwater and storm water runoff shall be retained on site so as to prevent it from entering the municipal storm water management system and natural watercourses.</li> <li>c. Irrigated cropland shall be managed in compliance with California Water Code Section 13260.</li> <li>d. Permanent plantings (agricultural trees and vines) or buildings, shall not be installed on portions of the property planned for right-of-way or other future easement uses.</li> <li>e. If private storage tanks are to be installed, such tanks shall be screened from view of neighboring properties and installed/maintained pursuant to the appropriate permits and required approvals from Fresno County Environmental Health and the Fresno County Fire Department. All such tanks shall be located at least 40 feet from property lines and are subject to additional setback requirements at the discretion of the regulatory agencies.</li> <li>f. Recycled water shall be used for irrigation; appropriate easement covenants shall be recorded for conveyance of non-potable water; installation of irrigation pipelines shall be minimized to the extent possible in portions of a property planned for right-of-way or easements for infrastructure; at the conclusion of agricultural activities, irrigation pipelines shall be removed; efficient Water Management Practices identified in Fresno Irrigation District's adopted Agricultural Water Management Plan shall be implemented as feasible; the practices of "Chemigation" and "Fertigation," and any other means of distributing agrichemicals via irrigation water, shall only be permitted if there is no risk of such chemicals flowing off site or creating a nuisance or hazard to adjoining properties.</li> <li>g. Security wire shall not be permitted for fencing on or surrounding Agricultural activities.</li> <li>h. No pesticides, fertilizers, or hazardous materials shall be stored on the premises, and any use shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Environmental Health, California Environmental Protection Agency Division of Toxic Substance Control, and Fire Department.</li> <li>i. Cultivation, harvesting and soil amendment activities shall conform to applicable regulations of the San Joaquin Valley Air Pollution Control District, including: controls for particulate matter, fugitive dust, bulk material handling, and odors.</li> <li>j. Beehives may be temporarily placed on agricultural land for pollination purposes. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. Aggressive or "Africanized" beehives shall be</li> </ul>

	<p>immediately addressed when reported to the property owner, agricultural operator at the property, or a regulatory agency.</p> <ul style="list-style-type: none"> <li>k. No on-site burning of waste material shall be allowed. Waste material and litter associated with agricultural operations shall be properly disposed of in a timely manner, and shall not be permitted to blow onto adjacent properties.</li> <li>l. Sonic hail disruptors ("Hail Cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.</li> <li>m. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.</li> <li>n. Planting, cultivation, harvesting equipment, or other motorized equipment use shall be kept to a minimum and farming by hand shall be used where feasible. Chemical applications, planting, cultivation, harvesting and similar activities shall not cause unreasonable noise, dust or activity that impacts or disturbs residents or commercial business uses in the Millerton Specific Plan area.</li> </ul>
2.	<p>The use of the recycled water in Millerton New Town is prioritized. The first authorized use would be for subdivision common area landscaping and for landscaping around the treatment plants site. Anything left over could be made available for other uses such as the proposed orchard at the discretion of the Director of the Department of Public Works and Planning. Prior to issuance of any building/grading permits for the implementation of the use of recycled water, a covenant running with the land between the County and the owner shall be recorded, agreeing to the prioritized use of the recycled water in Millerton New Town.</p> <p>Note: The Department of Public Works and Planning will prepare the covenant upon receipt of the standard processing fee which is currently \$243.50.</p>

Conditions of Approval reference required Conditions for the project.

Notes	
<p><b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b></p>	
1.	<p>The Applicant shall contact the Air District's Small Business Assistance Office to identify District rules or regulations, or to obtain information about District permit requirements for the project.</p>