



EXHIBIT 1

Inter Office Memo

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

DATE: July 21, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12583 – INITIAL STUDY APPLICATION NO. 7147 AND
AMENDMENT APPLICATION NO. 3809

APPLICANT: Bonadelle Neighborhoods
OWNER: JPJ, Inc.

REQUEST: Rezone four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation Land Use) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of recycled water was authorized by Conditional Use Permit No. 3503.

LOCATION: The project site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-542-15S, 16S, 17S & 18S).

PLANNING COMMISSION ACTION:

At its hearing of July 21, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Egan and seconded by Commissioner Eubanks to recommend adoption of the Negative Declaration prepared for Initial Study Application No. 7147; recommend that the Board of Supervisors approve Amendment Application No. 3809, and direct the Secretary to prepare a Resolution stating that the approval of the proposed rezoning is consistent with the Fresno County General Plan.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Egan, Eubanks, Abrahamian, Borba, Chatha, Mendes, Pagel and Woolf
	No:	None
	Absent:	Commissioner Lawson
	Recused:	None

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

By: 
William M. Kettler, Manager
Development Services Division

Attachments

WK:EA:ksn
G:\4360Devs&Pin\ADMIN\BOARD\Board Items\2016\9-27-16\AA 3809\AA3809 Reso (Exhibit A).docx

EXHIBIT "A"

Initial Study Application No. 7147
Amendment Application No. 3809

- Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2016 and heard a summary presentation by staff.
- Applicant: The Applicant and his representative concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:
- Rezoning of the subject property to an 'O' Zone District will allow for farming on the property.
 - The property is not ideal for the construction of homes due to its steep slopes.
 - Wastewater from existing residential developments in the Millerton Specific Plan (MSP) is retained in a pond during winter months; a second pond may be necessary when more homes are constructed.
 - The use of wastewater for farming is an efficient way to dispose of such water.
 - The proposed Conditions of Approval apply to the farming activities in an urban setting and will help reduce impact on nearby residential uses.
 - We will hire professionals to undertake pistachio farming for us.
 - We can provide advance pesticide spray notice to the neighbors; advance notice will help minimize pesticide impact to children.
- Others: No other individuals presented information in support of the application. One individual presented information in opposition to the application, stating that dust created through plowing of land and harvesting of pistachio crops will affect nearby residential uses; pesticide spray on orchards will impact children's health; and farm workers will use residential streets to get to the subject property.
- Correspondence: No letters were provided to the Commission in support of or in opposition to the application.

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

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

	<p>immediately addressed when reported to the property owner, agricultural operator at the property, or a regulatory agency.</p> <p>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.</p> <p>l. Sonic hail disruptors ("Hail Cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.</p> <p>m. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.</p> <p>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.</p>
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	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	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.

RESOLUTION NO. 12583

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7147
Amendment Application No. 3809

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

Initial Study Application	\$ 5,151.00 ¹
Amendment Application (AA)	\$ 6,214.00 ²
Public Health Department Review	<u>\$ 721.00³</u>
Total Fees Collected	<u>\$ 12,086.00</u>

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

² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors..

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



EXHIBIT 2

County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 July 21, 2016

SUBJECT: Initial Study Application No. 7147 and Amendment Application No. 3809

Rezone four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to the 'O' (Open Conservation Land Use) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of recycled water was authorized by Conditional Use Permit No. 3503.

LOCATION: The project site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-542-15S, 16S, 17S & 18S).

OWNER: JPJ, Inc.
APPLICANT: Bonadelle Neighborhoods

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Negative Declaration prepared for Initial Study (IS) Application No. 7147; and
- Recommend that the Board of Supervisors approve Amendment No. 3809 with the recommended Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3809 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval as listed in the Staff Report.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed under R-1-B(c) (Single-Family Residential, Conditional) and R-1-C(c) (Single-Family Residential, Conditional) Zone Districts
6. Uses Allowed under 'O' (Open Conservation) District
7. Summary of Initial Study Application No. 7147
8. Draft Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Open Space and Medium-Low Density in the Land Use and Circulation Elements of the Millerton Specific Plan	N/A
Zoning	R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District R-1-C(c) (9,000 square-foot minimum parcel size, Conditional) Zone District	O (Open Conservation)
Parcel Size	77.96 acres	No change
Project Site	Vacant	Rezone four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of

Criteria	Existing	Proposed
		recycled water was authorized by Conditional Use Permit No. 3503.
Structural Improvements	None	None. The site will be planted in pistachio orchard.
Nearest Residence	160 feet to the north	No change
Surrounding Development	Single-Family Residences; Wastewater Treatment Facility	No change
Operational Features	Project site is vacant with no improvements	See "Project Site" above
Employees	N/A	N/A
Customers/Supplier	N/A	N/A
Traffic Trips	None	None
Lighting	None	None
Hours of Operation	N/A	N/A

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	R-1-B(c) Zone District: Front: 35 feet Side: 10 feet Rear: 20 feet R-1-C(c) Zone District: Front: 25 feet Side: 7 feet Rear: 20 feet	'O' Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	N/A. No development proposed
Parking	One (1) parking space in a garage or carport for every dwelling unit	No requirement	N/A
Lot Coverage	R-1-B(c) Zone District: 35 percent of total lot area R-1-C(c) Zone District: 40 percent of total lot area	Not to exceed ten (10) percent of the total lot area	N/A. No development proposed except future planting of pistachio orchard

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Separation Between Buildings	Six (6) feet from the main building	No requirement	N/A
Wall Requirements	No greater than six (6) feet in height	N/A	N/A
Septic Replacement Area	100 percent for the existing system	N/A	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	No	N/A	N/A
Direct Access to Public Road	No	N/A	An existing non-exclusive easement and right-of-way for pedestrian and vehicular ingress and egress for County Service Area (CSA) 34 provides access to the subject property.
Road ADT		N/A	N/A
Road Classification		N/A	N/A
Road Width		N/A	N/A
Road Surface		N/A	N/A
Traffic Trips		None	N/A
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	N/A

Surrounding Properties

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	32.93 acres	Single-Family Residence	R-1-C	160 feet
South:	26.64 acres	Vacant	R-E, C-1, C-M	None
East:	24.53 acres	Vacant	R-1-B	None
West:	80 acres	Vacant	R-1-C	None

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

ENVIRONMENTAL ANALYSIS:

Initial Study Application No. 7147 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 Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent of Negative Declaration publication date: July 11, 2016.

PUBLIC NOTICE:

Notices were sent to 153 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission's action as practical to make the final decision on the Amendment Application. Information for that hearing will be provided under separate notice.

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning request is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a rezoning, however, is final unless appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

The County records indicate that the subject parcels were zoned AE-20 on May 18, 1971. On May 4, 1982 the parcels were rezoned to an RR (Rural Residential) Zone District. Currently, they are zoned R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) and located within the Millerton Specific Plan (MSP).

Under the subject application, the Applicant is proposing to rezone the properties from the R-1-B(c) and R-1-C(c) Zone Districts to an 'O' (Open Conservation) Zone District to allow the properties to be farmed (pistachio orchard) with recycled water from County Service Area (CSA) 24 Newtown Wastewater Treatment Facility in the MSP. The use of recycled water was authorized by Conditional Use Permit No. 3503 on April 14, 2016.

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District (Air District): 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.

The aforementioned requirement has been included as a Project Note.

Policy Planning Section of the Fresno County Department of Public Works and Planning: No ALCC (Agricultural Land Conservation Committee) or General Plan issues related to this proposal.

No other comments specific to the subject rezoning were expressed by reviewing Agencies or Departments.

Design and Road Maintenance and Operations Divisions, Building and Safety, Zoning, Resources, and Water/Geology/Natural Resources Sections of the Fresno County Department of Public Works and Planning; Fresno County Department of Public Health, Environmental Health Division; Fresno County Department of Agriculture; Fresno County Fire Protection District: No concerns related to this proposal.

Analysis:

The subject proposal is to allow rezoning of four contiguous parcels totaling 77.96 acres from the R-1-B(c) and R-1-C(c) Zone Districts to an 'O' Zone District to allow the properties to be farmed (pistachio orchard) with recycled water.

The subject parcels are designated Open Space and Medium-Low Density in the Land Use and Circulation Elements of the Millerton Specific Plan (MSP) and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. Adjacent parcels to the north are designated Medium-Density Residential in the MSP and zoned R-1-C; parcels to the south are designated Open Space, Service Commercial and Public Facilities in the MSP and zoned RE (Recreational District), CM (Commercial and Light Manufacturing District) and AL-40 (Limited Agricultural, 40-acre minimum parcel size); parcels to the east are designated Low-Density Residential in the Sierra-North Regional Plan and zoned R-1-B; and parcels to the west are designated Medium-Low Density and Medium-Density Residential in the MSP and zoned R-1-C. The parcels are currently developed with single-family residences or being utilized as grazing lands. The adjoining parcel to the southwest is developed with the County Service Area (CSA) 34 Wastewater Treatment Facility.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. According to the Zoning Compatibility Matrix for the General Plan, the proposed 'O' Zone District is conditionally compatible with land designated Medium-Low-Density Residential.

The 'O' District is an Open Conservation District. It is intended to provide for permanent open spaces in the community and to safeguard the health, safety, and welfare of the people by limiting developments in areas where public services are not possible without excessive cost to the community.

By-right uses allowed in an 'O' Zone District include agricultural uses with no dwellings, fisheries, flood control channels, basins, freeways, parks, playground, and wildlife and forest preserves. Conversely, the R-1-B and R-1-C Zone Districts provide for the development of single-family residential dwelling at urban standards on 12,500 square-foot and 9,000 square-foot lots, respectively. Given the by-right uses allowed in the 'O' Zone District are open in nature and less intensive than residential uses allowed in the R-1-B and R-1-C Zone Districts, rezoning of the property from the R-1-B(c) and R-1-C(c) Zone Districts to an 'O' Zone District is expected to have less impact on the surrounding land uses. The property will be planted in pistachio orchard and be irrigated with tertiary-treated recycled water from County Service Area (CSA) 34 New Town Wastewater Treatment Facility as approved by Conditional Use Permit No. 3503.

The project site is located near an existing residential subdivision to the north and future residential subdivisions to the south and west. To minimize the impact of farming activities resulting from this proposal on the surrounding area, specific requirements relating to site grading for and planting, cultivation and harvesting of the pistachio orchards are included as Conditions of Approval in Exhibit 1 of this report. Likewise, the first authorized user of recycled water in the Millerton New Town is the existing and future subdivision common area landscaping and the landscaping around the Wastewater Treatment Facility. To ensure compliance with this requirement, another Condition of Approval would require that recycled water for farming shall be supplied to the project site after water supply requirements for the authorized user has been met.

An Initial Study (IS) prepared for this proposal has identified potential impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, and utilities and service systems as less than significant. As such, no mitigation measures are required for this proposal. Conditions of Approval included in Exhibit 1 are intended to minimize the impact of farming activities (pistachio orchard) on the neighboring properties. Identified Conditions of Approval and mandatory project requirements (Project Notes) as discussed in this staff report would apply to on-site farming.

Recommended Conditions of Approval:

See recommended Conditions of Approval and mandatory Project Notes attached as Exhibit 1.

Conclusion:

Staff believes that the proposed rezone from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District is consistent with the Fresno County General Plan, and recommends approval of Amendment No. 3809, subject to the Conditions of Approval and Project Notes in the Staff Report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend adoption of the Negative Declaration prepared for Initial Study Application No. 7147; and
- Determine that the 'O' (Open Conservation) zoning is consistent with the General Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3809 to the Board of Supervisors with a recommendation for approval, subject to the Conditions of Approval, and Project Notes listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the 'O' (Open Conservation) zoning is not consistent with the General Plan, and deny Amendment No. 3809 (state basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Conditions of Approval and Project Notes:

See attached Exhibit 1.

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

EXHIBIT 1

	<p align="center">Conditions of Approval</p>
1.	<p>Future planting on the property shall be subject to the following requirements:</p> <ol style="list-style-type: none"> 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. 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. Irrigated cropland shall be managed in compliance with California Water Code Section 13260. 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. 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. 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. Security wire shall not be permitted for fencing on or surrounding Agricultural activities. 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. 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. 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

	<p>immediately addressed when reported to the property owner, agricultural operator at the property, or a regulatory agency.</p> <p>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.</p> <p>l. Sonic hail disruptors ("Hail Cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.</p> <p>m. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.</p> <p>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.</p>
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 recommended Conditions for the project.

Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</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>

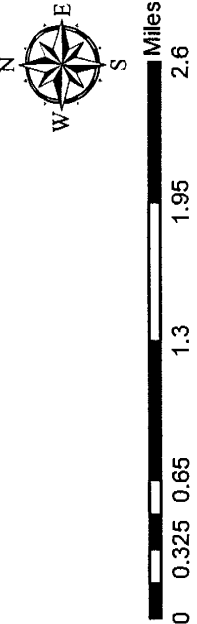
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LOCATION MAP

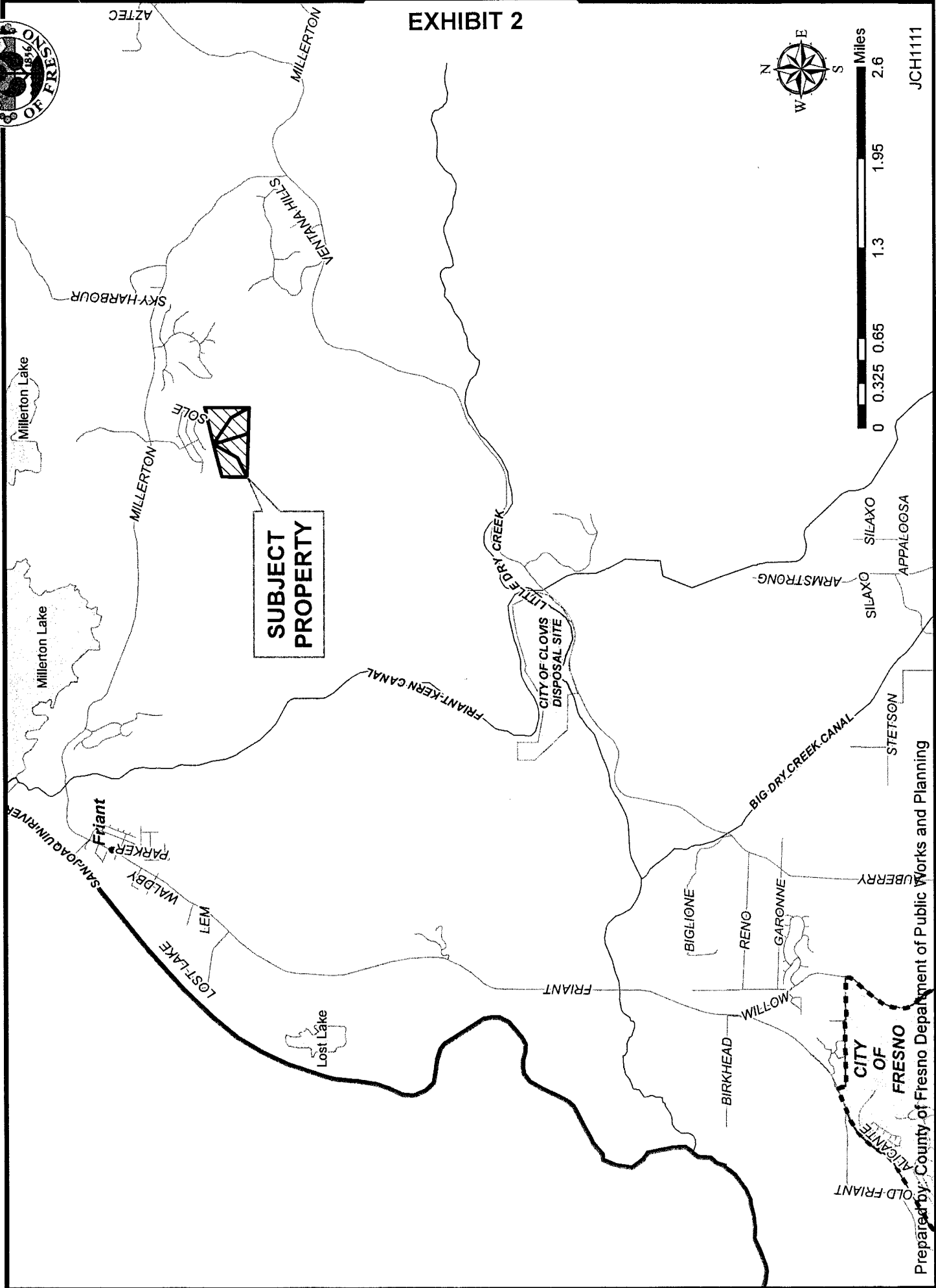
AA 3809



EXHIBIT 2



JCH1111



EXISTING ZONING MAP



EXHIBIT 3

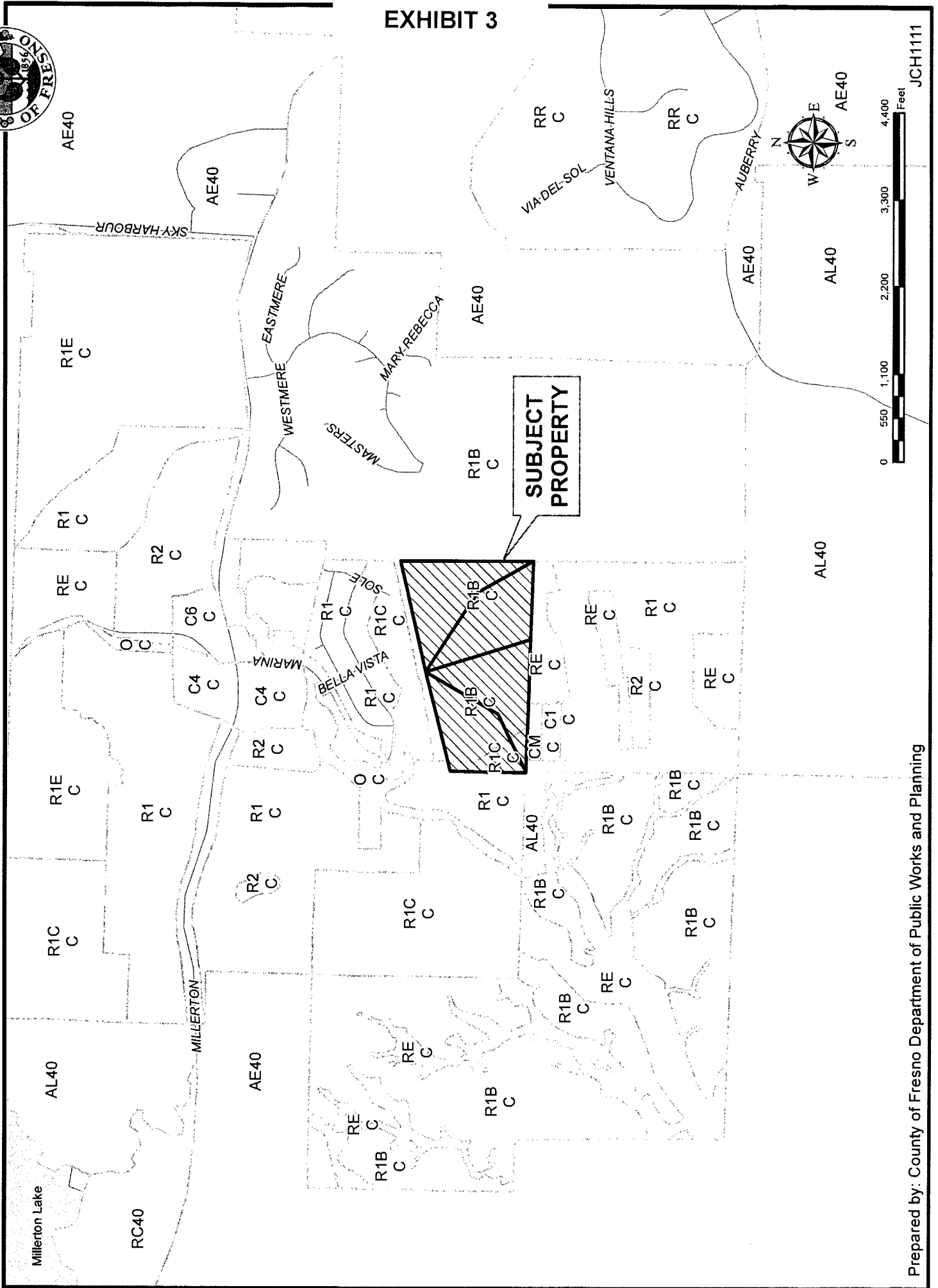
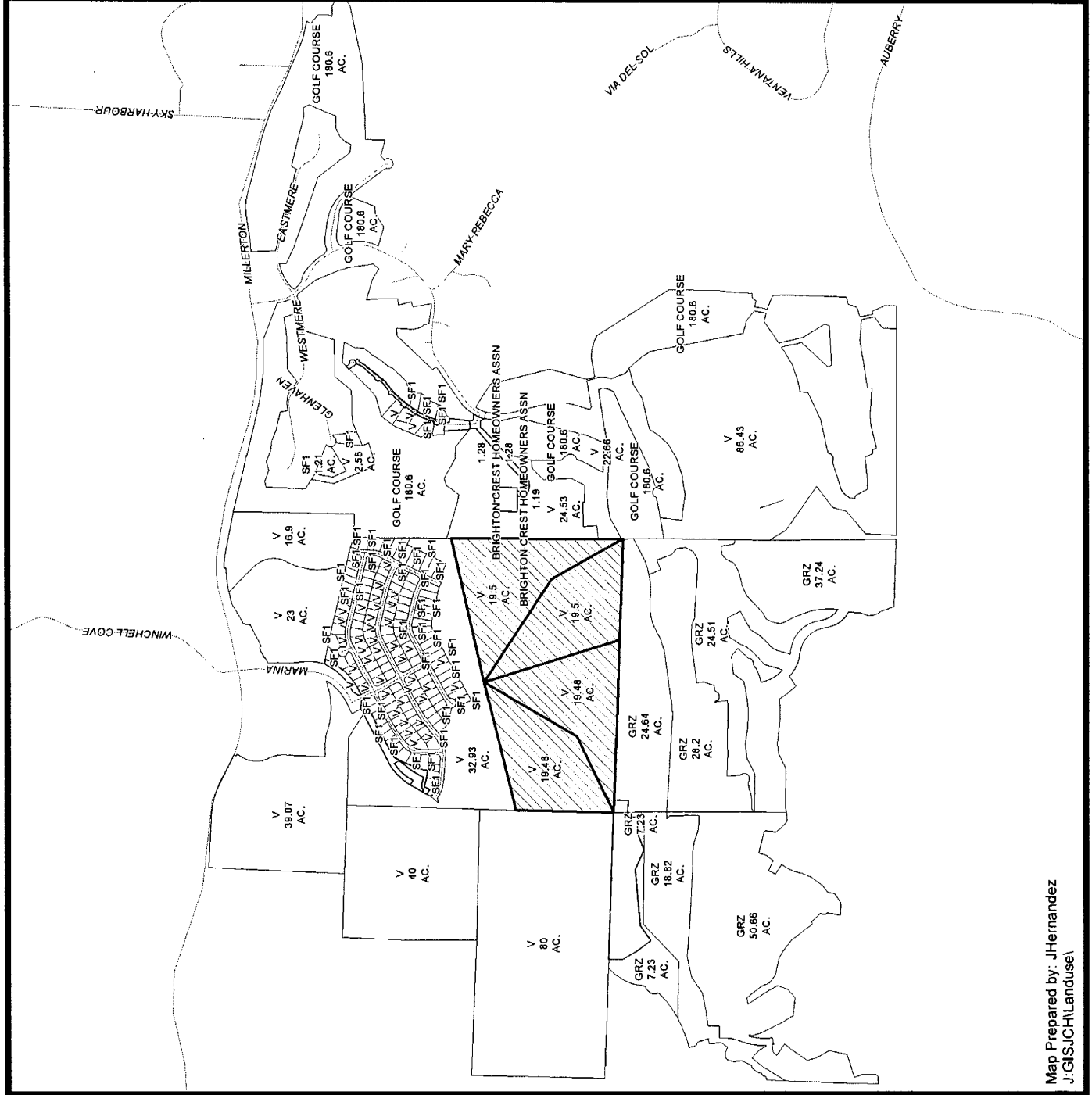




EXHIBIT 4

EXISTING LAND USE MAP

AA 3809



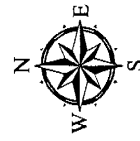
LEGEND

GRZ - GRAZING
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:



Subject Property



0 360 720 1,440 2,160 2,880 Feet

Department of Public Works and Planning
Development Services Division

Map Prepared by: J.Hernandez
J-GISJCHLanduseI

EXHIBIT 5

SECTION 824

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

The "R-1-B" District is intended to provide for the development of single family residential homes at urban standards on lots not less than twelve thousand five hundred (12,500) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Amended by Ord. 490.66 adopted 2-2-71)

SECTION 824.1 - USES PERMITTED

The following uses shall be permitted in the "R-1-B" District. All uses shall be subject to the Property Development Standards in Section 824.5. (Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garage.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- E. House trailer parking subject to the provisions of Section 855-I.1.f.
- F. Temporary tract offices and model homes, in the tract being developed.
(Added by Ord. 490.39 adopted 12-5-76)
- G. Day nursery - small
(Added by Ord. 490.188 adopted 10-29-79)

SECTION 825

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

The "R-1-C" District is intended to provide for the development of single family residential homes at urban standards on lots not less than nine thousand (9,000) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

(Amended by Ord. 490.66 adopted 2-2-71)

SECTION 825.1 - USES PERMITTED

The following uses shall be permitted in the "R-1-C" District. All uses shall be subject to the Property Development Standards in Section 825.5.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garage.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- E. Signs, subject to the provisions of Section 825.5-K.
- F. House trailer parking, subject to the provisions of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.
(Added by Ord. 490.39 adopted 12-5-67)
- H. Day nursery - small.
(Added by Ord. 490.188 adopted 10-29-79)

EXHIBIT 6

SECTION 815

"O" OPEN CONSERVATION DISTRICT

The "O" Open Conservation District is intended to provide for permanent open spaces in the community and to safeguard the health, safety and welfare of the people by limiting developments in areas where police and fire protection, protection against flooding by storm water and dangers from excessive erosion are not possible without excessive costs to be community.

SECTION 815.1 - USES PERMITTED

The following uses shall be permitted in the "O" District. All uses shall be subject to the Property Development Standards in Section 815.5.

(Amended by Ord. 490.174 re-adopted 5-18-79)

- A. Agricultural uses provided that no dwellings, either temporary or permanent, be permitted in relation thereto.
- B. Fisheries.
- C. Flood control channels, spreading grounds, settling basins, freeways, parkways, park drives.
- D. Recreation areas, moderate intensity parks, playgrounds, wildlife preserves, forest preserves and such buildings and structures as are related thereto.
(Amended by Ord. 490.175 re-adopted 5-28-79)
- E. Signs subject to provisions of Section 815.5-K.
- F. Temporary or permanent telephone booths.



EXHIBIT 7

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Bonadelle Neighborhoods

APPLICATION NOS.: Initial Study Application No. 7147 and Amendment Application No. 3809

DESCRIPTION: Rezone four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to the 'O' (Open Conservation Land Use) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of recycled water was authorized by Conditional Use Permit No. 3503.

LOCATION: The project site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist.: 5) (APN: 300-542-15S, 16S, 17S & 18S).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The project site is currently vacant with no improvements. No scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings were identified on or near the parcels. Marina Drive is designated as a Scenic Roadway in the Millerton Specific Plan and traverses approximately 2,250 feet north of the site, outside the minimum 200-foot open-space setback required for scenic roadways. The project will have no impact on scenic resources.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves rezoning four contiguous parcels totaling 77.96 acres from an R-1-B(c) and R-1-C(c) Zone District to the 'O' Zone District to allow farming (pistachio orchard) on said parcels. The land is currently undeveloped with no improvements. Adjacent parcels to the east, west, and south are also grazing lands with no improvements, and the parcels to the north are developed with single-family dwellings. The adjoining parcel to the southwest is developed with County Service Area (CSA) 34 Wastewater Treatment Facility.

The 'O' District is an Open Conservation District. It is intended to provide for permanent open spaces in the community and to safeguard the health, safety, and welfare of the people by limiting developments in areas where public services are not possible without excessive cost to the community.

By-right uses allowed in an 'O' Zone District include agricultural uses with no dwellings, fisheries, flood control channels, basins, freeways, parks, and wildlife and forest preserves. Conversely, the R-1-B and R-1-C zone Districts provide for the development of single-family residential dwelling at urban standards on lots not less than 12,500 and 9,000 square feet in size, respectively.

Given the by-right uses allowed in an 'O' Zone District are less intensive and open in nature than residential uses allowed in the R-1-B and R-1-C Zone Districts, the proposed rezone from the R-1-B and R-1-C Zone Districts to an 'O' Zone District will have less of an impact on the surrounding land uses. The project will have a less than significant impact on visual character or quality of the site and its surroundings.

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

FINDING: NO IMPACT:

The subject application involves no urbanized development; therefore, no lighting impacts will result from this proposal.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is within the Millerton Specific Plan which contains no productive agricultural land subject to a Williamson Act Land Conservation Contract. According to the 2010 Fresno County Important Farmland Map, the entire Millerton Specific Plan is designated as Grazing Land suited to grazing of livestock, containing no timberland or forest land. As such, the proposal will not convert Prime, Unique, or Statewide Important agricultural land into a non-agricultural use, but will have a beneficial impact on area agriculture by utilizing the site for the proposed pistachios orchard.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposal and requires the Applicant to contact the District's Small Business Assistance Office to identify District rules or regulations or to obtain information about District permit requirements for the project. This requirement will be included as a Project Note.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The 77.96-acre project site is located within an area noted for protected wildlife and wetlands as previously identified in the Environmental Impact Report (EIR) and Amendments certified for the Millerton Specific Plan area. The project is subject to Section 16, "Vegetation and Wildlife" of the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix which provides for compliance with applicable Federal and State of California environmental laws and was routed to CDFW and USFWS for review and comments.

In compliance with the Federal Endangered Species Act, *Biological Assessment (BA) for County of Fresno, Arvin-Edison Water Storage District, Lower Tule River Irrigation District and Terra Bella River Irrigation District Request for Approval of Water Transfers to Serve the Millerton New Town Development* was prepared by Vollmar Natural Lands Consulting on August 2014 and was submitted to the U.S. Bureau of Reclamation and the U.S. Fish and Wildlife Service to initiate formal consultation, and to obtain an Endangered Species Act (ESA) Biological Opinion (BO) for the site. An addendum to the BA was completed and provided to agencies on December 2014. Covering the entire Millerton New Town Specific Plan, the BA provides for mitigation of any impacts to Federal species and protocol for monitoring the site during initial construction. The impacts to Federal protected species, namely California Tiger Salamander (CTS), resulting from the Millerton New Town development projects (including the proposed rezone) will be mitigated by placing a conservation easement on off-site properties and by the preservation of the mitigation properties in perpetuity by means of funding an endowment.

In compliance with the State of California Endangered Species Act, an Incidental Take Permit (ITP) application for CTS, inclusive of measures to avoid, minimize, and mitigate impacts on CTS from Millerton New Town development projects has been submitted by the Applicant to CDFW. As noted by the applicant, a BO and ITP issued by CDFW and USFWS is forthcoming.

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act 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 the subject of a Wetlands Delineation and Verification with the U.S. Army Corps of Engineers (USACE). USACE reviewed the proposal and offered no comments on the project. 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. Would the project 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. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project 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: LESS THAN SIGNIFICANT IMPACT:

Per the policies of the Millerton Specific Plan, Section E, Habitat Conservation, the Millerton Open Space and Natural Resource Plan (OSNRP) has been established for the area to protect sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge top and view protection, native plants, landscapes, and lighting restrictions on hill tops to mitigate glare. This proposal will adhere to the requirements of OSNRP.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within an area designated as “moderately” sensitive for archeological resources. The subject rezone will have no impact on archeological resources. The California Historical Resources Information System (CHRIS) reviewed the proposal and expressed no concerns with the project.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal will not result in substantial erosion or loss of topsoil. Any site grading and drainage related to future farming activities will adhere to the Grading and Drainage Sections of the County Ordinance Code.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is within the Specific Plan boundary for Millerton New Town. According to the Soils Analysis contained in the 1984 Environmental Impact Report (EIR) for the 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 properties.

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

FINDING: NO IMPACT:

The subject proposal involves no development. As such, no concerns related to wastewater disposal were expressed by the Fresno County Department of Public Health, Environmental Health Division.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

No impact related to greenhouse gas emissions were identified in the project analysis.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school; or

FINDING: NO IMPACT:

The project does not involve transport, use, disposal, release, or handling of hazardous materials and is not located within one quarter-mile of a school.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project site is not a hazardous material site.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan area, within two miles of a public use airport, or in the vicinity of a private airstrip.

- G. Would the project 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 or physically interfere with an adopted emergency response plan.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not within a wildland area. The Fresno County Fire Protection District reviewed the proposal and expressed no concerns with the project.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves no improvements and therefore will not be subject to waste discharge requirements and related impact on groundwater quality. Future agricultural activities on the property will utilize tertiary-treated recycled water from the nearby County Service Area (CSA) 34 New Town Wastewater Treatment Facility as approved by Conditional Use Permit No. 3503.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

All existing and proposed improvements within the Millerton New Town Specific Plan are served with surface water from Millerton Lake through County Service Area (CSA) No. 34.

The future farming activities resultant of this proposal will utilize tertiary-treated recycled water from the CSA 34 New Town Wastewater Treatment facility as approved by CUP No. 3503.

The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no water-related concerns with the project.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no existing natural drainage channels adjacent or running through the property. Anticipated future farming activities (pistachio orchard) on the property will not cause significant changes in absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No additional water quality impacts were identified in the project analysis than already discussed in IX. A.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this application.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1035H, the subject parcels are not subject to flooding from the one-percent (1%) chance storm.

- I. Would the project expose persons or structures to levee or dam failure; or

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not prone to a seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is within the boundaries of self-sustained Millerton New Town.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT:

The project is to rezone four contiguous parcels totaling 77.96 acres from an R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and R-1-C (c) (9,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation Land Use) Zone District to allow pistachio orchard on the said parcels. The parcels are designated Open Space and Medium Low Density in the Land Use and Circulation Elements of the Millerton Specific Plan. The proposed 'O' zoning is conditionally compatible with Medium Low Density.

The project is not in conflict with any Land Use Plan, policy or regulation of the County General Plan, or Millerton Specific Plan. The Policy Planning Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns relating to Agricultural Land Conservation Contract (ALCC) or General Plan policies.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

The project site is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns related to noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion in Section VIII. E. F. Hazards and Hazardous Materials

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not result in an increase of housing, nor will it otherwise induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

- 1. Fire protection?

FINDING: NO IMPACT:

The project will not impact fire protection facilities. The Fresno County Fire Protection District (CalFire) reviewed the proposal and expressed no concerns with the project.

- 2. Police protection; or

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact police protection, schools, parks or other public facilities.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: NO IMPACT:

The subject proposal involves no development. The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns related to traffic nor required a Traffic Impact Study.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans or policies.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. A. Hydrology and Water Quality.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: NO IMPACT:

See discussion in Section IX. E. Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project impact on sensitive Biological resources and Cultural resources will be mitigated to a less than significant level with the included Mitigation Measures in Section IV. A. B. and Section V. A.B.C.D. of this analysis.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations, Fire Code. No cumulatively considerable impacts were identified in the analysis.

- C. Does the project have environmental impacts 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 (IS) Application No. 7147 prepared for Amendment Application No. 3809, 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 agriculture and forestry resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation or transportation/traffic.

Potential impacts related to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, geology and soils, and utilities and service systems have been determined to be less than significant.

A 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 southeast corner of Tulare and "M" Streets, Fresno, California.

EJ:

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EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>	
Agency File No: <div style="text-align: center;">IS 7147</div>	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION	County Clerk File No: <div style="text-align: center;">E-</div>	
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): Bonadelle Neighborhoods	Project Title: Amendment Application (AA) No. 3809		
Project Description: Rezone four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to the 'O' (Open Conservation Land Use) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of recycled water was authorized by Conditional Use Permit No. 3503. The project site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist.: 5) (APN: 300-542-15S, 16S, 17S & 18S).			
Justification for Negative Declaration: Based upon the Initial Study (IS) No. 7147 prepared for Amendment Application No. 3809, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agriculture and forestry resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation or transportation/traffic. Potential impacts related to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, geology and soils, and utilities and service systems have been determined to be less than significant. The Initial Study and Negative Declaration (ND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 13, 2016		Review Date Deadline: Planning Commission – June 16, 2016	
Date: May 13, 2016	Type or Print Signature: Chris Motta, Principal Planner	Submitted by (Signature): Ejaz Ahmad, Planner	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

EXHIBIT 3

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7147	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION		County Clerk File No: E-
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): Bonadelle Neighborhoods		Project Title: Amendment Application (AA) No. 3809	
<p>Project Description:</p> <p>Rezone four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to the 'O' (Open Conservation Land Use) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of recycled water was authorized by Conditional Use Permit No. 3503. The project site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist.: 5) (APN: 300-542-15S, 16S, 17S & 18S).</p>			
<p>Justification for Negative Declaration:</p> <p>Based upon the Initial Study (IS) No. 7147 prepared for Amendment Application No. 3809, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to agriculture and forestry resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation or transportation/traffic.</p> <p>Potential impacts related to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, geology and soils, and utilities and service systems have been determined to be less than significant.</p> <p>The Initial Study and Negative Declaration (ND) 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 – May 13, 2016		Review Date Deadline: Board of Supervisors – December 13, 2016	
Date: December 13, 2016	Type or Print Signature: Chris Motta, Principal Planner	Submitted by (Signature): Ejaz Ahmad, Planner	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3809\IS-CEQA\AA 3809 ND Draft (Board)



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

October 24, 2016

Mr. Ejaz Ahmad
Fresno County
Department of Public Works and Planning
2220 Tulare Street
Fresno Ca 93721

Leanne Walker-Grant
Tribal Chairperson

Beverly J. Hunter
Tribal Vice-Chairperson

Craig Martinez
Tribal Secretary/Treasurer

Matthew W. Jones
Tribal Council Member

Richard L. Jones
Tribal Council Member

RE: Initial Study Application NO. 7147 and Amendment Application NO. 3809

Dear Mr. Ahmad:

Thank you for consulting with Table Mountain Rancheria (Tribe) on the initial study and amendment application. The Tribe has received appropriate maps and Fresno County staff reports which have been very helpful in understanding this project.

The Tribe has reviewed the documents provided by the county and has no further concerns regarding potential impacts to Tribal Cultural Resources relative to initial Study Application No. 7147 and Amendment Application No. 3809. The Tribe therefore, is concluding consultation under AB52, CEQA and SB-18 as requested on September 27, 2016. As such, the Tribe has no objection to this application.

Please contact Robert Pennell, Cultural Resources Director, at (559) 325-0351, rpennell@tmr.org, if you have any questions.

Sincerely,

23736
Sky Harbour Road
Post Office
Box 410
Friant
California
93626
(559) 822-2587
Fax
(559) 822-2693


Leanne Walker-Grant, Tribal Chairperson
Table Mountain Rancheria



Will Kettler, Division Manager
Department of Public Works & Planning
Development Services Division
2220 Tulare Street, Suite A
Fresno, CA 93721

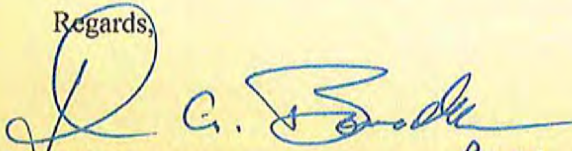
November 8, 2016

Dear Mr. Kettler,

Bonadelle Neighborhoods has been working with Fresno County staff on processing Initial Study Application No. 7147 and Amendment Application No. 3809 to rezone residential property within the Millerton New Town Specific Plan into open space to allow for planting an orchard. In an effort to specifically depict the property that should be rezoned to open space we have prepared the enclosed legal description. We believe that by using this legal description it will properly identify the land where planting can occur and does so more effectively than using the original description provided by the assessor parcel map. By using this legal description we are reducing the size of the property that can be planted. We realize a few neighbors expressed some concern about the size of the orchard and have attempted to address this by making the plantable area smaller. Furthermore, using this legal description will avoid negatively affecting the lotting pattern of approved Tract Map 4934. If the new legal description is not used it is possible that residential lots within approved Tract Map 4934 would be rezoned to open space. We hope that the County will be able to use this legal description to accomplish what was intended with our pursuit of this Amendment Application and Rezone.

Please let us know if you have any comments or questions

Regards,


John Bonadelle Pres.

cc: Chris Motta
7030 N. Fruit Avenue, Suite 101 | Fresno, CA 93711 | Office: (559) 435-9700 | Fax: (559) 435-9707

BUILDING VALUE FOR GENERATIONS

www.bonadelle.com



EXHIBIT "B"

ABBREVIATIONS:

BK BOOK OF OFFICIAL RECORDS
CTR CENTER
E EAST DIRECTION
F.C.R. FRESNO COUNTY RECORDS
M.D.B.&M. MOUNT DIABLO BASE AND MERIDIAN
N NORTH DIRECTION
PG(S) PAGE(S) OF OFFICIAL RECORDS
P.O.B. POINT OF BEGINNING
R RANGE
SEC SECTION
S SOUTH DIRECTION
SQ.FT. SQUARE FEET
T TOWNSHIP
W WEST DIRECTION

LEGEND:

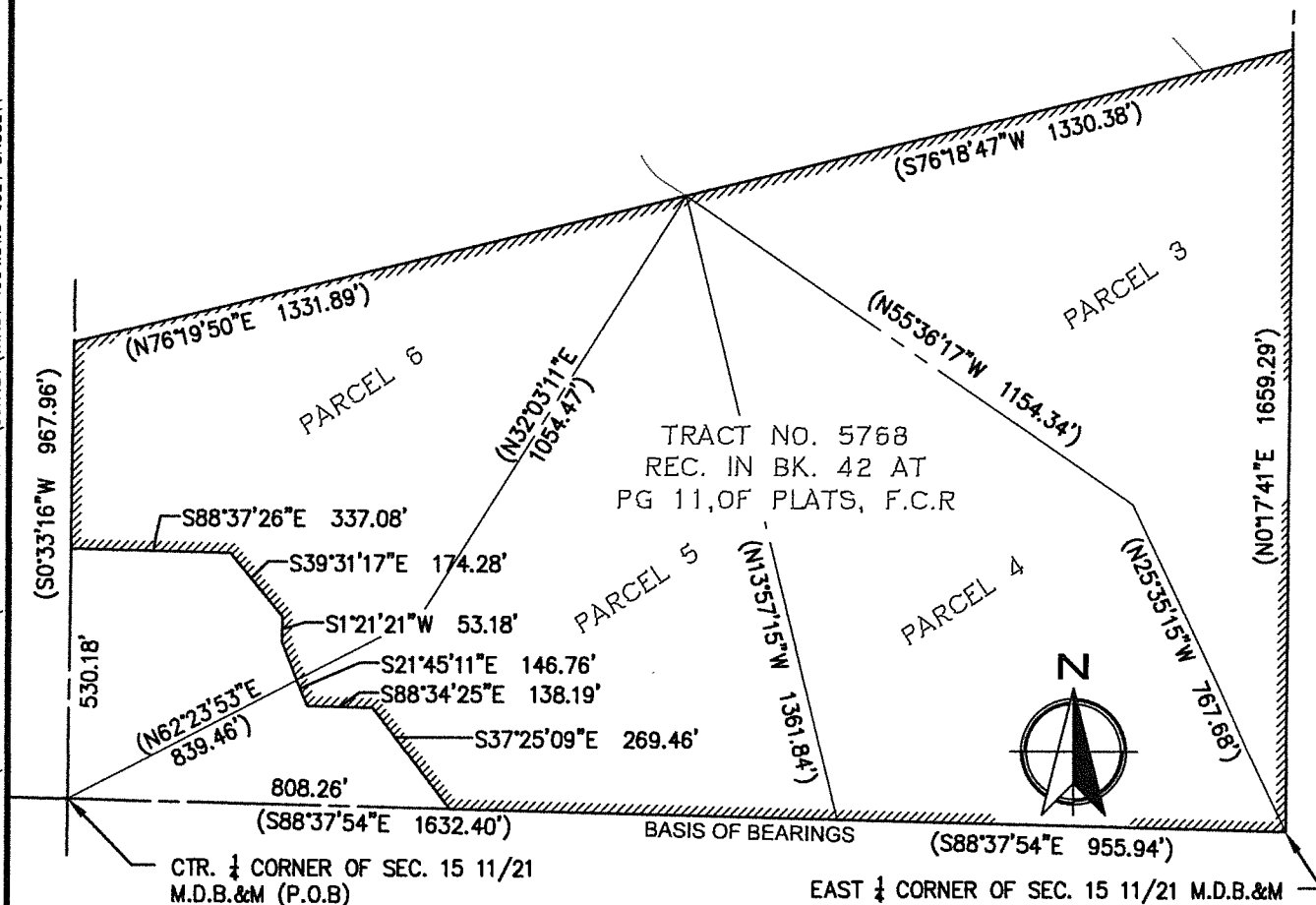
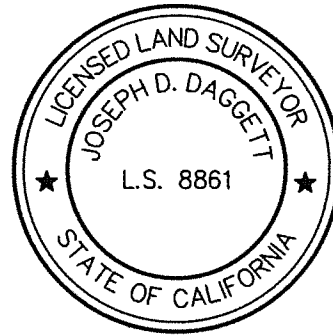
(...) RECORD DATA PER PM NO.
5768 REC. IN BK. 42 AT PG.
11 OF PARCEL MAPS, F.C.R.



INDICATES AREA TO BE REZONED:
±71.3 ACRES

BASIS OF BEARINGS:

THE SOUTH LINE OF PARCEL 5 OF
PARCEL MAP 5768 RECORDED IN BK.
42 AT PG. 11 OF PARCEL MAPS, F.C.R.
TAKEN TO BE SOUTH 88°37'54" EAST.



GATEWAY
ENGINEERING, INC.

P. 559-320-0344 F. 559-320-0345 WWW.GEFRESNO.COM
5811 E. PRINCETON AVENUE, FRESNO, CA 93727-1377

PROJECT:

EXHIBIT "B"
PORTIONS OF PARCELS 3 THRU 6
OF PARCEL MAP NO. 5768

DESCRIPTION:

EXHIBIT FOR REZONING PURPOSES
APN: 300-542-15S THRU 18S (PORTIONS OF)
COUNTY OF FRESNO, STATE OF CALIFORNIA

JOB NO.:

199121

DATE:

11/8/2016

SCALE:

1" = 200'

SHEET:

1 OF 1