



ATTACHMENT A

Inter Office Memo

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

DATE: September 12, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12662 - INITIAL STUDY APPLICATION NO. 7289,
AMENDMENT APPLICATION NO. 3822 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3576

APPLICANT/
OWNER:

Bonadelle Neighborhoods

REQUEST:

Rezone a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District and allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming. Amendment Application No. 3809 was approved to rezone a 71.3-acre parcel to an 'O' Zone District, and Conditional Use Permit No. 3503 was approved to allow the use of recycled water on said land. This request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503, will allow 7.22 acres of additional land for rezoning and allow application of wastewater adjacent to the 71.3 acres approved by prior applications. Use of tertiary water associated with this application (Conditional Use Permit Application No. 3576) is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit No. 2942.

LOCATION:

The subject parcel is located within the Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-542-14S, 15S, 16S, 17S & 18S).

PLANNING COMMISSION ACTION:

At its hearing of July 20, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Borba and seconded by Commissioner Eubanks to recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7289; recommend that the Board of Supervisors approve Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576 subject to

RESOLUTION NO. 12662

the Mitigation Measures, Conditions of Approval and Mandatory Project Notes listed in Exhibit "B" with changes made to security fencing, use of beehives on the property, and that spray-field operation be in accordance with the Operational Statement for CUP No. 3576; and direct the Secretary to prepare a Resolution stating that the approval of the proposed rezoning and Use Permit is consistent with the Fresno County General Plan.

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Eubanks, Ede, Mendes, Woolf
 No: None
 Absent: None
 Abstain: None
 Recused: Commissioner Abrahamian, Chatha, Lawson

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

By: 

William M. Kettler, Manager
Development Services Division

WMK:ea
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Attachments

EXHIBIT A

Initial Study Application No. 7289
Amendment Application No. 3822
Unclassified Conditional Use Permit Application No. 3576

Staff: The Fresno County Planning Commission considered the Staff Report dated July 20, 2017, 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 proposal and offered the following information:

- We have an approved rezone for several parcels to allow for a pistachio orchard and an approved use permit to irrigate it.
- The prior rezoning did not include the subject parcel which was also proposed to be planted and receive recycled water.
- The orchard will be at the base of a hill and away from residential development; the distance between the existing homes and the orchard, with no aerial pesticide spraying, will minimize farming impact.
- We discussed the subject proposal in a neighborhood meeting and addressed most concerns raised by the neighbors except for the organic farming.
- We are willing to notify the neighbors for any pesticide spraying if so desired by the Commission.
- We will install cyclone fencing around the orchard per our farm management company's recommendations but will work with the Commission's recommendation on the fencing type and type of bees to be allowed on the property; the project will conform to the design guidelines and fencing requirements of the Millerton Specific Plan.
- We will build a one- to two-foot-tall levy around the orchard to keep recycled water runoff from neighboring properties.
- The bee-related language was developed by the City of Fresno in conjunction with a farming proposal in the City of Fresno.
- The recycled water discharged from the Wastewater Treatment Plant remains in ponds in the winter season; we will pump out water in spring for ground application through a drip irrigation system.

Others: One individual presented information in opposition to the application citing concerns with the effects of pesticide spraying and dusting on residential neighborhoods due to the orchard being in close proximity to homes and

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the prevailing wind direction. The individual also requested a praying notification prior to spray activity.

No other individuals presented information in support of the application.

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

EA

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

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

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

Conditions of Approval – AA3822	
1.	<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 the Fresno County Department of Public Health, Environmental Health Division and the Fresno County Fire Department. All such tanks shall be located at least 40 feet from property lines and are subject to additional setback requirements at the discretion of the regulatory agencies.

	<p>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.</p> <p>g. Security wire shall not be permitted for fencing on or surrounding Agricultural activities. Security fencing shall be in accordance with Millerton Specific Plan.</p> <p>h. No pesticides, fertilizers, or hazardous materials shall be stored on the premises, and any use shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Department of Public Health, Environmental Health Division; California Environmental Protection Agency Division of Toxic Substance Control; and Fresno County Fire Department.</p> <p>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.</p> <p>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 immediately addressed when reported to the property owner, agricultural operator at the property, or a regulatory agency. No aggressive or "Africanized" beehives shall be used on the property.</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 plant site. Recycled water remaining could be made available for other uses such as the proposed orchard at the discretion of the Director of the Department of Public Works and Planning. Prior to issuance of any building/grading permits for the implementation of the use of recycled water, a covenant running with the land between the County and the owner shall be recorded agreeing to the prioritized use of the recycled water in Millerton New Town.</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 – CUP 3576	
1.	Sprayfield operations shall be in accordance with the operational statement prepared for Unclassified Conditional Use Permit (UCUP) No. 3576 and approved by the Planning Commission subject to the conditional zoning adopted for Amendment Application (AA) No. 3822.

Conditions of Approval reference recommended Conditions for the project.

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

EA:ksn

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RESOLUTION NO. 12662

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7289
Amendment Application No. 3822
Unclassified Conditional Use Permit No. 3576

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	\$ 6,214.00 ²
Unclassified Conditional Use Permit Application (Amendment to CUP No. 3503)	\$ 4,561.50 ²
Public Health Department Review	\$ 1,374.00 ³
Total Fees Collected	<u>\$ 17,300.50</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of 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; comments.



ATTACHMENT B

County of Fresno

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

Planning Commission Staff Report Agenda Item No. 7 July 20, 2017

SUBJECT: Initial Study Application No. 7289, Amendment Application No. 3822 and Unclassified Conditional Use Permit Application No. 3576

Rezone a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District and allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming. Amendment Application No. 3809 was approved to rezone a 71.3-acre parcel to an 'O' Zone District, and Conditional Use Permit No. 3503 was approved to allow the use of recycled water on said land. This request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503 will allow 7.22 acres of additional land for rezoning and allow application of wastewater adjacent to the 71.3 acres approved by prior applications. Use of tertiary water associated with this application (Conditional Use Permit Application No. 3576) is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit No. 2942.

LOCATION: The subject parcel is located within the Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-542-14S, 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 Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7289; and

- Recommend that the Board of Supervisors approve Amendment Application (AA) No. 3822 to rezone a 7.22-acre portion of a 32.93-acre parcel from 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; and
- Recommend that the Board of Supervisors approve Unclassified Conditional Use Permit (CUP) No. 3576 to allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3822 and Unclassified Conditional Use Permit Application No. 3576 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measure, recommended Conditions of Approval, and Project Notes as listed in the Staff Report.

EXHIBITS:

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed under R-1-C(c) (Single-Family Residential, Conditional) Zone District
6. Uses Allowed under 'O' (Open Conservation) District
7. Site Plans/Details
8. Applicant's Operational Statement
9. Summary of Initial Study Application No. 7289
10. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Medium-Low-Density Residential in the Millerton Specific Plan	N/A
Zoning	R-1-C(c) (9,000 square-foot minimum parcel size, Conditional) Zone District	O (Open Conservation)
Parcel Size	32.93 acres	No change
Project Site	Vacant	Rezone a 7.22-acre portion of a 32.93-acre parcel from the

Criteria	Existing	Proposed
		R-1-C(c) Zone District to an 'O' Zone District and allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming. This request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503, will allow 7.22 acres of additional land for rezoning and application of wastewater adjacent to the 71.3 acres approved by prior applications.
Structural Improvements	None	None
Nearest Residence	165 feet to the north	No change
Surrounding Development	Single-Family Residences, golf course, Wastewater Treatment Facility	No change
Operational Features	Project site is vacant with no improvements	The irrigation of land with tertiary-treated recycled water will require subsurface or at grade level installation of main-lines from the Wastewater Treatment Facility, including pumps, irrigation equipment, and time-controlled and metered sprinkler devices
Employees	N/A	Up to 3
Customers	N/A	N/A
Traffic Trips	N/A	Ten (10) one-way trips (five round trips) by service and delivery trucks per month related to farming activities
Lighting	N/A	N/A
Hours of Operation	N/A	From morning until afternoon weekly

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	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	Same as above
Lot Coverage	40 percent of the total lot area	10 percent of the total lot area	Same as above
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

		Existing Conditions	Proposed Operation
Road Surface		N/A	N/A
Traffic Trips		None	Ten (10) one-way trips (five round trips) by service and delivery trucks per month related to farming activities
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:	39.07 acres 23 acres	Single-Family Residences	R-1-C; C-6	165 feet north of the subject 32.93-acre parcel
South:	19.48 acres 19.48 acres 19.5 acres 19.5 acres	Vacant	R-1-C (c)	None
East:	180.6 acres	Single-Family Residences; Golf Course	R-1-B (c)	2,653 feet
West:	80 acres 40 acres	Vacant	R-1-C (c)	None

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

ENVIRONMENTAL ANALYSIS:

Initial Study Application No. 7289 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 9.

Notice of Intent of Mitigated Negative Declaration publication date: June 19, 2017

PUBLIC NOTICE:

Notices were sent to 141 property owners within 600 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.

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. Use permit applications are not required to be brought before the Board of Supervisors for consideration, however, in this case, both Applications (AA and CUP) will be forwarded to the Board for final action, as they represent an interrelated request for a single project.

BACKGROUND INFORMATION:

The Millerton Specific Plan was originally approved in December of 1984 as a "New Town" as provided for in the Sierra-North Regional Plan policies (Residential Development Allocation Area A - F). The Specific Plan was amended in 1999 and 2004 which expanded the boundaries of the Plan area. The Millerton Specific Plan today is a planned community on 1,420 acres planned to accommodate a population of 8,000 to 10,000 in approximately 3,499 residential units. The Plan provides for commercial and public facilities, recreation areas and open spaces, and describes standards and implementation methods to be used to develop the site.

The County records indicate that the subject parcel was zoned AE-20 (Exclusive Agricultural; 20-acre minimum parcel size required) on May 18, 1971. On May 4, 1982 the parcel was rezoned from the AE-20 Zone District to an RR (Rural Residential) Zone District and later from RR Zone District to R-1-C (c) (Single-Family Residential District; 9,000 square feet minimum parcel size; conditional) Zone District when Millerton Specific Plan (MSP) was adopted by the County Board of Supervisors in December 18, 1984. The parcel is currently, zoned R-1-C(c) in the MSP.

Amendment Application No. 3809 was approved by the County Board of Supervisors on December 13, 2016 to allow the rezoning of a 71.3-acre parcel from the R-1-B(c) Zone District and the R-1-C(c) Zone District to an 'O' Zone District, and Conditional Use Permit No. 3503 was approved by the Planning Commission on April 14, 2016 to allow the use of tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) to irrigate the said land for farming. The current proposal, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503, will allow 7.22 acres of additional land for rezoning from the R-1-C (c) Zone District to an 'O' Zone District and application of recycled water for farming adjacent to the 71.3 acres approved by prior applications. Use of recycled water associated with this application (Conditional Use Permit Application No. 3576) is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit No. 2942.

The proposal will install main-lines from the WWTF, including pumps, irrigation equipment, and time-controlled and metered sprinkler devices necessary for land irrigation. These improvements will be either subsurface or at grade level.

Reviewing Agency/Department Comments:

Regional Water Quality Control Board (RWQCB): The Applicant shall provide a Title 22 Engineering Report for use of tertiary recycled water on the subject land to the RWQCB once completed. This requirement has been included as a Project Note.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Construction permits and inspections shall be required for the installation of pumps and piping systems proposed for the recycled wastewater distribution facilities.

Development Engineering Section of the Fresno County Department of Public Works and Planning: The subject parcel is within a rural stream area of the Fresno County Metropolitan Flood Control District (FMFCD). FMFCD shall be contacted for any required clearance.

Fresno County Fire Protection District (CalFire): The project shall comply with the California Code of Regulations Title 24 – Fire Code, requiring approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The project/development shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

San Joaquin Valley Air Pollution Control 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 requirements have been included as Project Notes.

Policy Planning Section of the Fresno County Department of Public Works and Planning: No General Plan Policy or Williamson Act Contract issues related to this proposal.

Resources, Design, and Road Maintenance and Operations Divisions; and Building and Safety 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; State Water Resources Control Board, Division of Drinking Water, Table Mountain Rancheria: No concerns related to this proposal.

Analysis:

The subject proposal is to allow rezoning of a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District to allow the property to be farmed in pistachio orchard with tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF).

The subject parcel is designated Medium-Low-Density Residential in the Millerton Specific Plan (MSP) and zoned R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) in the County Zoning Ordinance. The parcel is undeveloped with no improvements.

Adjacent parcels to the north are designated Medium-Density Residential in the MSP, zoned R-1-C (c) (Single-Family Residential, Conditional), and developed with single-family homes; parcels to the east are designated Low-Density Residential in the Sierra-North Regional Plan, zoned R-1-B (c) (Single-Family Residential, Conditional), and developed with single-family homes/golf course; parcels to the south are designated Medium-Low Density in the MSP, zoned 'O' (Open Conservation), and reserved for future farming (pistachio orchard); and parcels to the west are designated Medium Density, Open Space, and Public Facilities in the MSP, zoned R-1-C and 'O' (Open Conservation), and are reserved for future residential development. The County Service Area (CSA) 34 Wastewater Treatment Facility is located approximately 1,060 feet south of the subject parcel.

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-C Zone Districts provide for the development of single-family residential dwellings at urban standards on 9,000 square-foot lots. 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-C Zone District, rezoning of the property from the R-1-C(c) Zone District to an 'O' Zone District is expected to have less impact on the surrounding land uses. According to the Applicant, the subject parcel will be planted in pistachio orchard and be irrigated with tertiary-treated recycled water from the County Service Area (CSA) 34 New Town Wastewater Treatment Facility.

The subject parcel is adjacent to an existing residential subdivision to the north, residential subdivision/golf course to the east; undeveloped land reserved for farming (pistachio orchard) to the south and future residential subdivision to the west. To minimize the impact of farming on the surrounding area, specific requirements relating to site grading 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, a 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.

The Initial Study (IS) prepared for the project has identified potential impacts related to aesthetics, agricultural and forestry resources, air quality, biological resources, geology and soils, hydrology and water quality, and utilities and service systems as less than significant, and potential impact related to cultural resources is determined to be less than significant with the identified mitigation measure (Exhibit 1).

Based on the above information, and with adherence to the Mitigation Measure, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

Recommended Conditions of Approval:

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

The following analysis addresses each of the required Findings for Unclassified Conditional Use Permit (CUP) Application 3576:**ANALYSIS/DISCUSSION – CONDITIONAL USE PERMIT APPLICATION NO. 3576**

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.*

See discussion above in the 'Setback, Separation and Parking' table on Page 4.

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plan (Exhibit 7) demonstrates no above-ground structures or improvements proposed for this application. The project will allow tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) to irrigate the subject 7.22-acre portion of a 32.93-acre parcel along with the adjacent 71.3 acres zoned 'O' (Open Conservation) with the approval of AA No. 3809, and allow it to receive recycled water from the WWTF for farming with the approval of CUP No. 3503. To irrigate the land, time-controlled and metered sprinkler devices will be installed at subsurface or at grade level. The subject parcel is adequate in size and shape to accommodate irrigation devices and receive the recycled water from the WWTF.

Recommended Conditions of Approval:

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

Conclusion:

Finding 1 can be made.

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.*

See discussion above in 'Circulation and Traffic' table on Page 4.

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

The subject 32.93-acre undeveloped land does not have public road frontage. The closest public roads are Millerton Road (approximately 980 feet to the north of the subject parcel) and Auberry Road (approximately 5,098 feet to the southeast of the subject parcel). An existing non-exclusive easement and right-of-way for pedestrian and vehicular ingress and egress for County Service Area 34 provides access to the site. No Traffic Impact Study (TIS) was required for the project by the Design Division of the Fresno County Department of Public Works and Planning. Farming activities related to planting and maintaining of the pistachio orchard will not generate significant traffic to impact County roadways. All existing roads in the area will remain adequate to accommodate the proposal.

Recommended Conditions of Approval:

None

Conclusion:

Finding 2 can be made.

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

See discussion above in 'Surrounding Properties' table on Page 5 and 'Reviewing Agency/Department Comments' table on Pages 7 and 8.

Analysis:

The subject proposal would use tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) to irrigate a 7.22-acre portion of a 32.93-acre parcel to be planted in pistachio orchard. The irrigation of land will require subsurface or at grade level installation of main lines from the WWTF, including pumps, irrigation equipment, and time-controlled and metered sprinkler devices.

The subject proposal is located within Millerton New Town near the unincorporated community of Friant. Adjacent parcels to the north and east are developed with single-family homes/golf course and parcels to the south and the west are undeveloped. County Service Area (CSA) 34 Wastewater Treatment Facility is located to the south of the proposal.

An Initial Study prepared for the project has identified cultural resources as a potential impact. To mitigate the impact, a mitigation measure would require that discovery of cultural resources

or human remains during ground-disturbance activities will require all work to be stopped and findings be evaluated by an archeologist. Potential impacts related to agricultural and forestry resources, air quality, geology and soils, and hydrology and water quality are considered to be less than significant. The project proponent will be required to comply with a number of items included as Conditions of Approval in Exhibit 1 to minimize impact on the existing and the proposed improvements in the area, contact the San Joaquin Valley Air Pollution Control District to obtain information about the District permit requirements for the project, and acquire a grading permit prior to any ground disturbance. These requirements are included as Project Notes (Exhibit 1).

Based on the above information, and with adherence to the Mitigation Measure, Conditions of Approval and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

Recommended Conditions of Approval:

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

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>Millerton Specific Plan SP1-P80 (Community Sewer): All development within the Specific Plan area shall utilize a community sewer system with treatment to a tertiary level allowing reuse of the effluent for irrigation purposes.</p> <p>Millerton Specific Plan SP1-P83 (Community Sewer): Treated effluent may be disposed of in one of the several ways. During the winter season when the evaporation rate is very low, effluent will flow into ponds for storage, seepage and partial evaporation. During the warmer months, most of the effluent shall be used to irrigate open space, recreation, and buffer areas. The effluent may also be used to irrigate agricultural areas and other open space lands.</p>	<p>The existing Wastewater Treatment Facility (WWTF) operated by County Service Area (CSA 34) receives wastewater from residential tracts within Millerton Specific Plan boundaries and treats them to a tertiary level. The tertiary-treated recycled water is stored in a pond near the WWTF for dispersal. The subject proposal would allow tertiary water to irrigate a 7.22-acre portion of a 32.93-acre undeveloped land for farming to help lower pond levels and avoid overflowing. Use of tertiary water associated with this application is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit (CUP) No. 2942. The proposal is consistent with Policies SP1-P80 and SP1-P83.</p>

Reviewing Agency/Department Comments:

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

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

As discussed above in General Plan consistency/consideration, the subject Use Permit application meets the intent of Millerton Specific Plan Policies SP1-P80 and SP1-P83 in that it would allow tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility to irrigate a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) to be planted in pistachio orchard by using time-controlled and metered sprinkler devices. It is expected that the orchard will utilize recycled water sufficient in quantity to help lower pond levels and avoid overflowing.

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

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes that the proposed rezone from the R-1-C(c) Zone District to an 'O' Zone District is consistent with the Fresno County General Plan. Staff also believes the required Findings for granting Unclassified Conditional Use Permit (CUP) No. 3576 can be made based on the factors cited in the analysis. Staff therefore recommends approval of Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576, subject to the recommended Conditions of Approval and Project Notes in the staff report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7289; and
- Recommend that the Board of Supervisors approve Amendment Application (AA) No. 3822 to rezone a 7.22-acre portion of an existing 32.93-acre parcel from the R-1-C(c) (Single-Family Residential, 9,000 minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District; and
- Recommend that the Board of Supervisors approve Unclassified Conditional Use Permit

(CUP) No. 3576 to allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming; and

- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures, recommended Conditions of Approval, and Project Notes as listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the proposed request to rezone a 7.22-acre portion of an existing 32.93-acre parcel from the R-1-C(c) (Single-Family Residential, 9,000 minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District is inconsistent with the Fresno County General Plan and Millerton Specific Plan, and that the required Findings cannot be made to allow the use of tertiary-treated recycled water on the parcel in question, and deny Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576 (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

G:\4360Devs&Pin\PROJSEC\PROJDOCS\AA\3800-3899\3822 - See CUP 3576\SR\AA3822 CUP3576 SR.docx

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

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

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

Conditions of Approval	
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 the Fresno County Department of Public Health, Environmental Health Division and the Fresno County Fire Department. All such tanks shall be located at least 40 feet from property lines and are subject to additional setback requirements at the discretion of the regulatory agencies.

	<p>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.</p> <p>g. Security wire shall not be permitted for fencing on or surrounding Agricultural activities.</p> <p>h. No pesticides, fertilizers, or hazardous materials shall be stored on the premises, and any use shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Department of Public Health, Environmental Health Division; California Environmental Protection Agency Division of Toxic Substance Control; and Fresno County Fire Department.</p> <p>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.</p> <p>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 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 plant site. Recycled water remaining could be made available for other uses such as the proposed orchard at the discretion of the Director of the Department of Public Works and Planning. Prior to issuance of any building/grading permits for the implementation of the use of recycled water, a covenant running with the land between the County and the owner shall be recorded agreeing to the prioritized use of the recycled water in Millerton New Town.</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>

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

EA:ksn

G:\4360Devs&Pin\PROJSEC\PROJDOCS\AA\3800-3899\3822 - See CUP 3576\SRVAA3822 CUP3576 MMRP (Ex 1).docx

LOCATION MAP

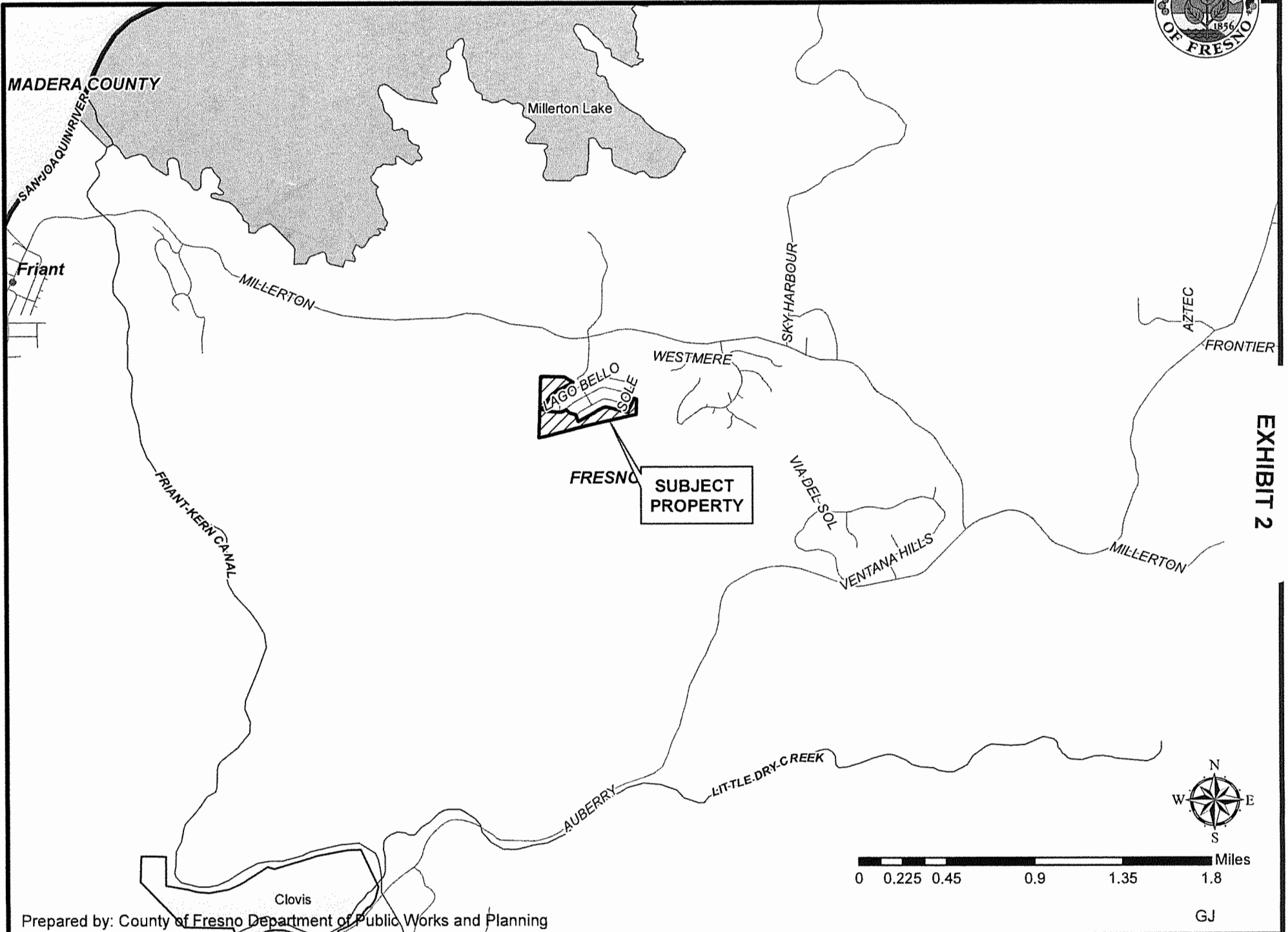
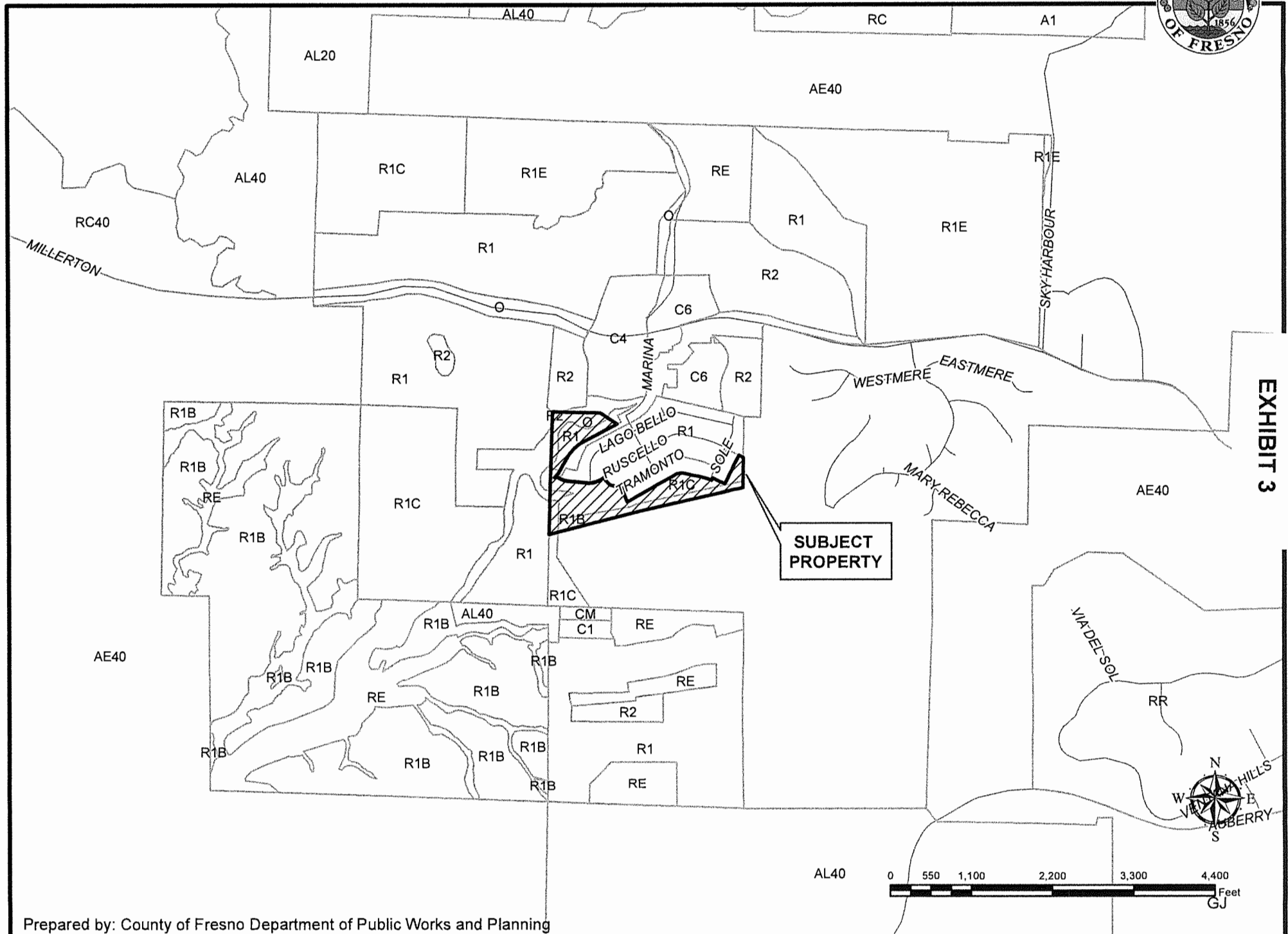
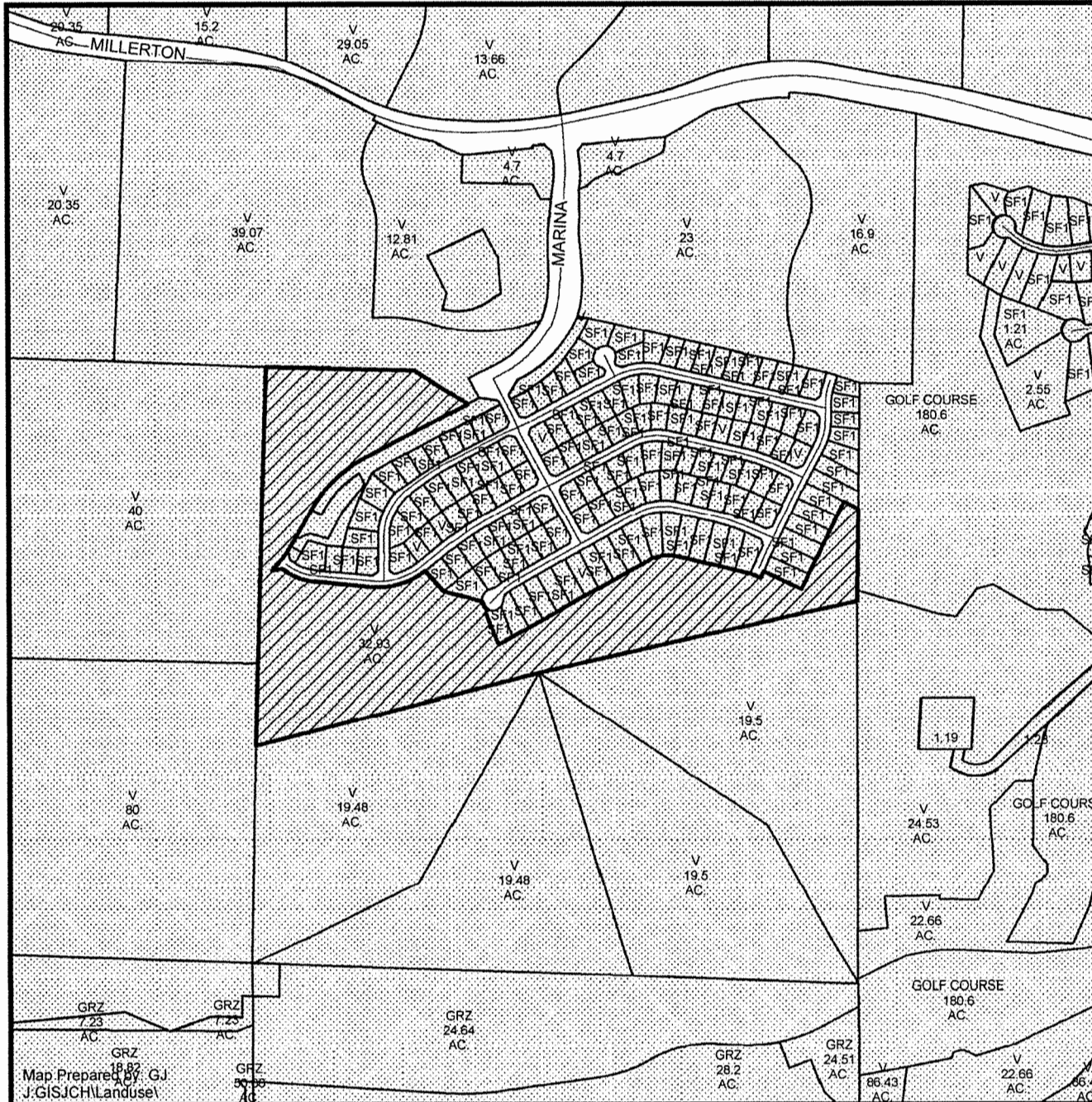


EXHIBIT 2




AA3822, CUP 3576

EXISTING LAND USE MAP



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

LEGEND:

-  Subject Property
-  Ag Contract Land



0 170 340 680 1,020 1,360 Feet

Department of Public Works and Planning
Development Services Division

EXHIBIT 4

EXHIBIT 5

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.

[illegible]

7-22 ACRES SUBJECT
TO AA 3022; CUP 3576



BASIS OF BEARINGS:

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 15, T. 12 S., R. 20 E., M.D.B. & M. TAKEN TO BE $N00^{\circ}17'41''E$, AS SHOWN ON PARCEL MAP NO. 5768 RECORDED IN BOOK 42 OF PARCEL MAP AT PAGE 11, F.C.R.

N. $\frac{1}{4}$ CORNER OF SEC. 15, T.11.S. R.21E., M.D.B.&M

LEGEND:

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

< ... > RECORD DATA PER TRACT NO. 4870 IN BK. 81 AT PGS. 47-58 OF PLATS, F.C.R.

LOT 2 LOT OF PARCEL MAP NO. 5768

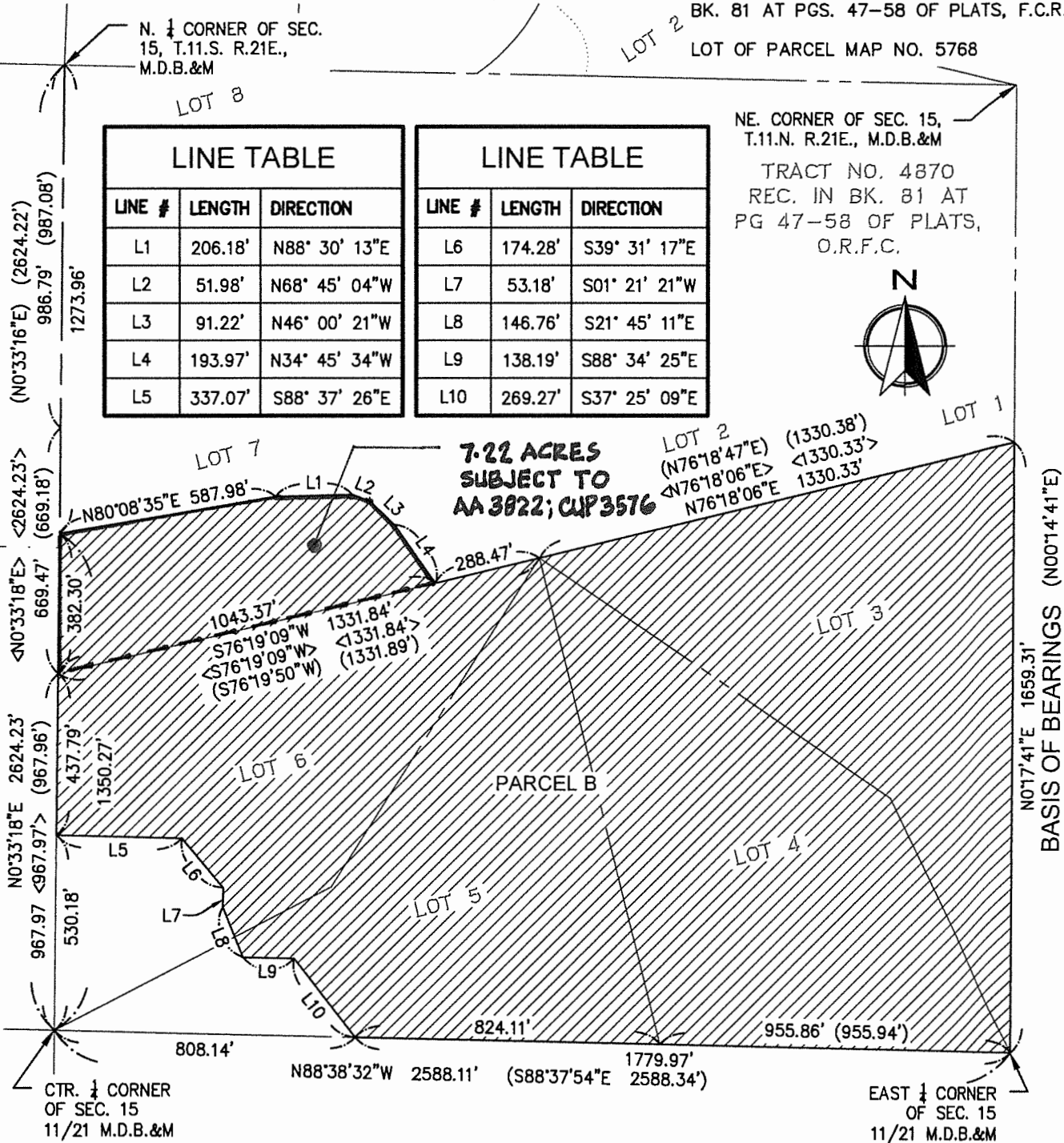
NE. CORNER OF SEC. 15, T.11.N. R.21E., M.D.B.&M

TRACT NO. 4870
REC. IN BK. 81 AT
PG 47-58 OF PLATS,
O.R.F.C.



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	206.18'	N88° 30' 13"E
L2	51.98'	N68° 45' 04"W
L3	91.22'	N46° 00' 21"W
L4	193.97'	N34° 45' 34"W
L5	337.07'	S88° 37' 26"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
L6	174.28'	S39° 31' 17"E
L7	53.18'	S01° 21' 21"W
L8	146.76'	S21° 45' 11"E
L9	138.19'	S88° 34' 25"E
L10	269.27'	S37° 25' 09"E



GATEWAY
ENGINEERING, INC.

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

PROJECT: EXHIBIT FOR PARCEL B
FOR PORTIONS OF PARCELS 3, 4, 5, 6 & 7
OF PARCEL MAP NO. 5768

DESCRIPTION: PROPOSED PARCEL B
APN: 300-542-_____
COUNTY OF FRESNO, STATE OF CALIFORNIA

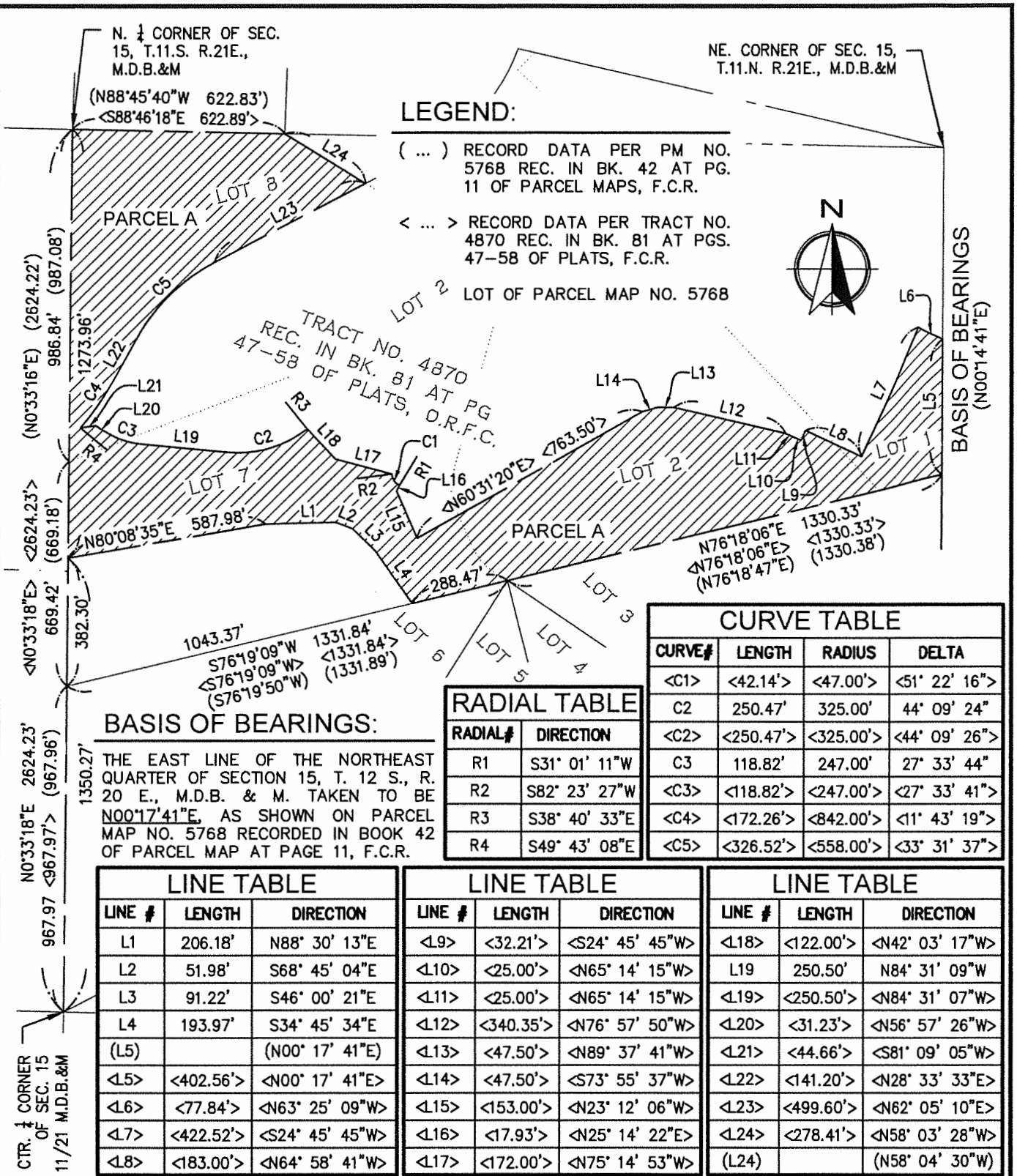
JOB NO.: 199121

DATE: 07/05/17

SCALE: 1" = 400'

SHEET:

1 OF 1



GATEWAY

ENGINEERING, INC.

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

PROJECT: EXHIBIT FOR PARCEL A
FOR PORTIONS OF PARCELS 1, 2, 7 & 8
OF PARCEL MAP NO. 5768

DESCRIPTION: PROPOSED PARCEL A & B
APN: 300-542-14S & 15S
COUNTY OF FRESNO, STATE OF CALIFORNIA

JOB NO.: 199121


DATE: 09/14/16

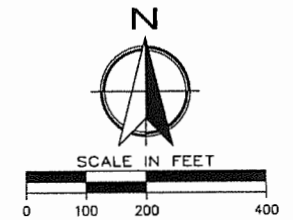
SCALE: 1" = 400'

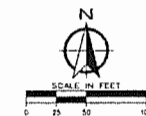
SHEET: 1 OF 1



CUP#3576
RECYCLED WATER
SPRAY AREA EXHIBIT

LEGEND	
SYMBOL	DESCRIPTION
	RECYCLED WATER SPARY AREA AREA = ±78.52 AC





MILLERTON NEWTOWN
RECLAIMED WATER PROJECT
FRIANT, CA.

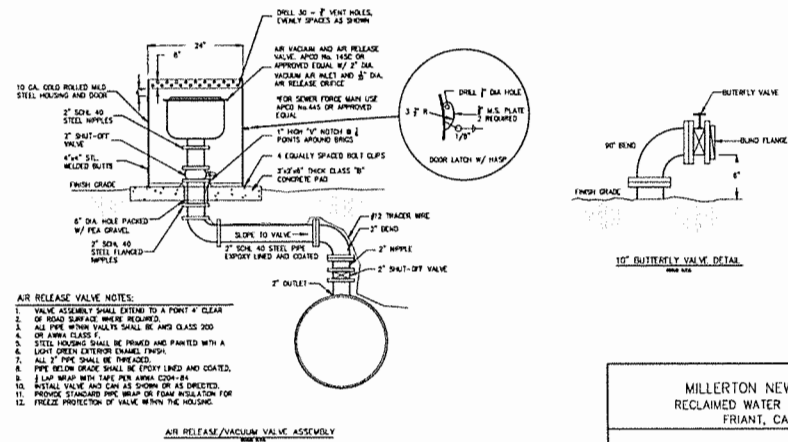
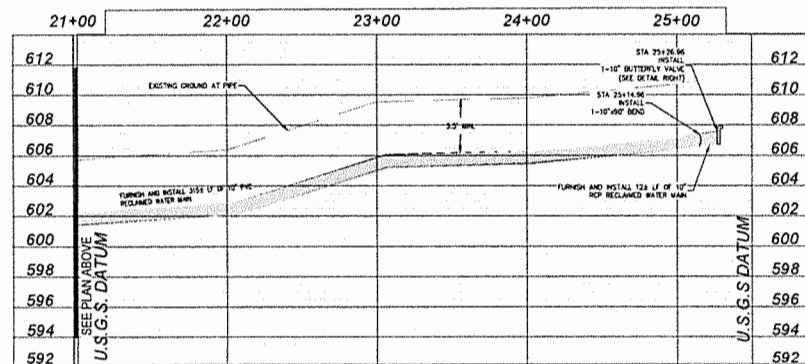
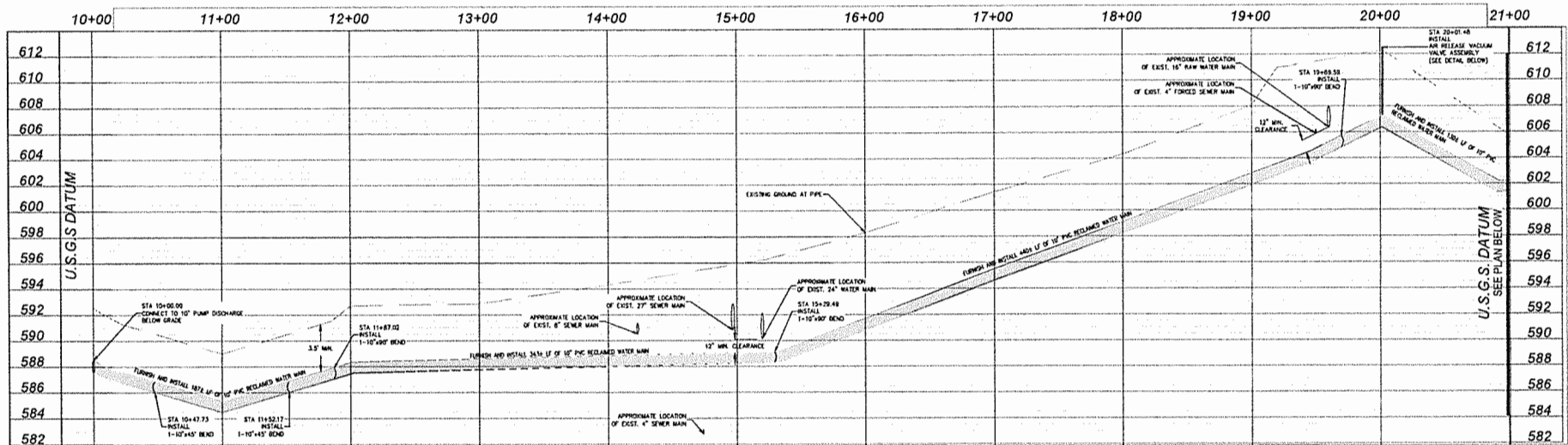
IMPROVEMENT PLAN

GATEWAY
ENGINEERING, INC.
CIVIL ENGINEERS | LAND SURVEYORS
P. 408-690-0044 | F. 408-690-0044 | WWW.GATEWAYEINC.COM

DESIGN ENGINEER DANIEL K. BOND SHEET 2 of 3

DATE 01/03/16 C.E. LICENSE NO. 52133

Date Revised _____
Approved _____



AIR RELEASE VALVE NOTES:

1. VALVE ASSEMBLY SHALL EXTEND TO A POINT 4' CLEAR OF ROAD SURFACE WHERE REQUIRED.
2. ALL NEW VALVES SHALL BE ANG CLASS 200 OR ANNA CLASS F.
3. STEEL HOUSING SHALL BE PRIMERED AND PAINTED WITH A LIGHT GREEN EXTERIOR ENAMEL FINISH.
4. ALL 1" PIPE SHALL BE THREADED.
5. PIPE BELOW GRADE SHALL BE SPOUT LINED AND COATED.
6. 1" LIP WRAP WITH TAPE P/N ANNA CD24-84.
7. INSTALL VALVE AND CAN AS SHOWN OR AS DIRECTED.
8. PROVIDE STANDARD PIPE WRAP OR FOAM INSULATION FOR FROST PROTECTION OF VALVE WHEN THE HOUSING.

AIR RELEASE/VACUUM VALVE ASSEMBLY

MILLERTON NEWTOWN
RECLAIMED WATER PROJECT
FRIANT, CA.

DETAIL AND PROFILE PLAN

DESIGN ENGINEER DANIEL K. BOND

DATE 01/03/16 C.E. LICENSE NO. 02133

Date Revised	1	1	1
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Approval			
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SCALE	AS SHOWN
DRAWN BY	ROM
REVISED	
SHEET	3 of
	3 SHEETS

GATEWAY
ENGINEERING, INC.
CIVIL ENGINEERS | LAND SURVEYORS
7100 UNIVERSITY BLVD. | SUITE 200 | DALLAS, TEXAS 75225
972.350.0000 | WWW.GATEWAYENGINEERINGINC.COM

EXHIBIT 8

CUP 3576 (AMENDMENT TO CUP 3503)
MILLERTON NEW TOWN SPECIFIC PLAN
IRRIGATED LANDS
(Dated: 06/02/17)

AA3822/CUP357

RECEIVED
COUNTY OF FRESNO

JUN 02 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

(REVISED)

OPERATIONAL STATEMENT FOR CONDITIONAL USE PERMIT
IRRIGATION OF AGRICULTURAL LANDS WITH RECYCLED WATER

I. Nature of the Operation: This Conditional Use Permit (CUP) Amendment consists of the request to adjust and clarify the areas to be irrigated with applicant's tertiary treated recycled water from the tertiary treatment facilities operated by CSA-34. The Amendment will allow for the same total amount of acreage described in approved CUP No. 3503. A total of approximately 78 acres may be irrigated with recycled water which is consistent with the total acreage area approved on April 14, 2016 to receive recycled water for agricultural purposes.

II. Background: CSA No. 34A currently operates the existing Millerton New Town, Tract 4048 (Brighton Crest) and Tract 4870 (Bella Vista), wastewater treatment system under Waste Discharge Requirements and Water Reclamation Requirements of the RWQCB issued in 1991. This facility has a permitted capacity of 112,000 gallons per day. The tertiary treatment plant is operational, and the existing plant's discharge flows are received from existing residences in Tract 4048 and Tract 4870 they are then treated and stored in the adjacent pond where they await dispersal. On April 14, 2016 CUP No. 3503 was formally approved by Fresno County to allow for the irrigation of approximately 78 acres with tertiary treated recycled water. Subsequently, the Fresno County Planning Commission unanimously approved Application Amendment No. 3809 for the rezone of approximately 78 acres from Residential to Open Space to allow for active agricultural activity. On December 13, 2017 the Fresno County Board of Supervisors approved the same rezone of the property to Open Space to allow for active agricultural activity and the use of the tertiary treated recycled water on those agricultural lands, however approximately 7 acres of the property to be rezoned from Residential to Open Space was removed from the application before the Board of Supervisors. The removal of those approximate 7 acres of property to be rezoned caused a discrepancy in the total acreage provided in the original CUP No. 3503 and the acreage that was rezoned to Open Space for agricultural activity. The approximately 7 acres that was removed from the Board's entitlement action on December 13, 2017 was done so to allow those approximately 7 acres to retain the Residential zoning because those approximate 7 acres were designated as part of a subdivision map. The purpose of this CUP amendment is to accurately identify the approximately total 78 acres of land by adjusting the CUP to cover the appropriate 7 acres that could receive recycled water.

III. Description of the CUP: This CUP Amendment consists of a request to adjust and clarify the actual lands to be irrigated with tertiary treated reclaimed water from the WWTP operated by CSA-34. This amendment will keep the total amount of

acreage the same as originally approved for a total of approximately 78 acres but clarify where the recycled water will be used. On July 31, 2008, the California Regional Water Quality Control Board issued Waste Discharge Requirements under Order No. R5-2008-0127 for the Fresno County Service Area No. 34 tertiary wastewater treatment plant, a copy of which is attached as Exhibit A. This Order allows the use of disinfected tertiary recycled water for irrigation of these lands.

The proposed area which is the subject of this current CUP Amendment consists of approximately 7 acres and still only allows for up to approximately 78 acres to be maintained as agricultural lands. The revised location of the agricultural lands is shown on the attached map. The CUP Amendment will adjust and clarify the areas depicted to receive the recycled water to still include approximately 78 acres as originally contemplated in the CUP approved on April 14, 2016. Additional lands are being adjusted within the CUP though the overall acreage will remain the same, this accomplished by removing the approximately 7 acres that was not rezoned to Open Space and including approximately 7 acres that was not originally included in the CUP. This allows the total acreage to remain consistent with the approved CUP at approximately 78 acres of lands to receive recycled water for irrigation purposes.

Construction will include installation of certain mainlines, pumps, irrigation equipment, controls, and water emitters. Approximately 78 acres will be maintained and will generally use up to approximately 200 annual acre feet of the recycled water produced by Tract 4870, other development projects of the applicant or other developments that agree to allow applicant to use their effluent.

IV. Operational Time Limits: Management operations for the farming activities, such as activity consistent with maintaining an agricultural lands and irrigation system maintenance, occur from early morning until afternoon. Depending on the acreage, the management effort may vary per week. Irrigation will be automated using emitters which will operate daily.

V. Number of Customers and Visitors: The only persons involved in the agricultural lands operation will be maintenance and operational personnel involved with the farming activities.

VI. Drainage and Grading: The agricultural lands will be irrigated with recycled water at agronomic rates so that surface water runoff will not occur and any waters of the U.S. will not be impacted.

VII. Number of Employees: The agricultural lands management will require between 1 and 3 people at various periods during the year.

VIII. Service and Delivery Vehicles: Service delivery vehicles for the agricultural lands operation will include equipment and material delivery trucks. All service and delivery vehicles will typically operate only during regular business hours.

Service to the irrigated agricultural lands includes delivery of equipment, special fertilizers and maintenance supplies. It is projected that no more than five trips per month will be necessary for supplies and materials.

IX. Number of Parking Spaces for Employees, Customers, and Service/Delivery Vehicles: Type of Surface on Parking Area A parking area will be provided to accommodate the workers at the agricultural lands and for service/delivery vehicles. No customer parking is anticipated.

X. Water and Energy Conservation and Fire Protection:

A. Water Use:

1. The agricultural lands will be irrigated with disinfected tertiary-treated recycled water under a Discharge Order from the Regional Water Quality Control Board.

2. The irrigation of the agricultural lands area will utilize time-controlled and metered sprinkler devices without the use of flood or broad-scale irrigation, by water cannon or similar equipment or device.

B. Fire Protection:

1. As required by the Fresno County Fire Protection District, water lines and fire hydrants will be provided adjacent to any structures; however, no structures are expected at this time.

2. Any grass or other vegetation growing on the agricultural lands proposed and to be irrigated will be mowed or otherwise maintained to prevent a fire hazard and unsightly appearance as necessary.

XI. Infrastructure Plan, Water, Wastewater, Drainage, and Roads

A. Water: The agricultural lands will be irrigated with recycled water to the maximum extent possible.

B. Wastewater: Any sanitary wastewater generated at agricultural lands will be disposed to the tertiary wastewater treatment facility that serves Millerton New Town.

XII. Landscape Plan: Minor amounts of landscaping are anticipated and the plants will be irrigated with recycled water.

XIII. Sale of Goods on Site: No retail activities are anticipated at the pasture.

XIV. Equipment to be Used:

A. Orchard: No special equipment is to be used beyond that required for the normal operation of an Orchard.

B. Recycled Water Irrigation System: Equipment used for irrigation-related activities.

XV. Supplies and Materials:

Orchard: Appropriate spaces for fuel and chemical storage, if any, will be provided to service the Orchard.

XVI. Does the Use Cause an Unsightly Appearance? Noise? Glare? Dust? Odor? If so, Explain How This Will be Reduced or Eliminated:

Orchard: The agricultural lands will produce some dust, and negligible amounts of glare and odor. Some additional noise will be generated during the day by the vehicles used by the crew that will maintain the Orchard.

XVII. List Any Solid or Liquid Wastes to be Produced: Estimated Volume of Wastes: How and Where is it Stored? How is it Hauled and Where is it Disposed? How Often?:

Orchard: The agricultural lands are not expected to generate any solid waste. If any material is generated, it will be hauled away to an approved disposal site.

XVIII. Estimated Volume of Water to be Used (Gallons Per Day): Source of Water:

Orchard: The agricultural lands will be irrigated with approximately up to 200,000 gallons per day of recycled water.

XIX. Describe Any Proposed Advertising, Including Size, Appearance, and Placement: Such signage is not expected to be involved in the CUP except as required by applicable health agencies and the California Regional Water Quality Control Board for notice that recycled water is being used in this area.

XX. Will Existing Buildings be Used or Will New Buildings be Constructed? Describe Type of Construction Materials, Height, Color, Etc. Provide Floor Plan and Elevations, if Appropriate:

No new buildings will be used.

XXI. Will Any Outdoor Lighting or an Outdoor Sound Amplification System be Used? Describe and Indicate When Used:

No outdoor lighting and no sound amplification systems will be used.

XXII. Landscaping or Fencing Proposed? Describe Type and Location:

Orchard: Minor landscaping may be planted in the area. A fence with a decorative look compatible with nearby residential and commercial projects will be installed around the Orchard.



EXHIBIT 9

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. 7289, Amendment Application No. 3822 and Unclassified Conditional Use Permit Application No. 3576

DESCRIPTION: Rezone a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District and allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming. Amendment Application No. 3809 was approved to rezone a 71.3-acre parcel to an 'O' Zone District, and Conditional Use Permit No. 3503 was approved to allow the use of recycled water on said land. This request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503 will allow 7.22 acres of additional land for rezoning and allow application of wastewater adjacent to the 71.3 acres approved by prior applications. Use of tertiary water associated with this application (Conditional Use Permit Application No. 3576) is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit No. 2942.

LOCATION: The subject parcel is located within the Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-542-14S, 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 subject is an undeveloped parcel with no improvements. No scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings were identified on or near the parcel. Marina Drive, designated as a Scenic Roadway in the Millerton Specific Plan, traverses approximately 980 feet north of the site and is 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 would rezone a 7.22-acre portion of a 32.93-acre parcel from the R-1-C(c) Zone District to an 'O' Zone District and allow it to be irrigated with tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) for orchard. The subject parcel is undeveloped with no improvements. Adjacent parcels to the east, west, and south are also undeveloped with no improvements, and the parcels to the north are developed with single-family homes. The adjoining parcel to the southwest is developed with the WWTF. Approval of this proposal will also allow the subject 7.22 acres to be merged with the abutting 71.3-acre 'O'-zoned parcels authorized by Conditional Use Permit (CUP) No. 3503 to receive recycled water from the WWTF for farming purposes.

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-C Zone District provides for the development of single-family residential dwellings at urban standards on lots not less than 9,000 square feet in size.

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-C Zone District, the proposed rezone of a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District to allow for farming activities will have less of an impact on the surrounding land uses.

The project will install certain main-lines (from the WWTF), pumps, irrigation equipment, controls, and time-controlled and metered sprinkler devices to irrigate the land for farming. Given these improvements will be subsurface or at grade level, the project will have less than significant 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: LESS THAN SIGNIFICANT 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.

The subject 7.22-acre portion of a 32.93-acre parcel will be planted in pistachio orchard and irrigated with tertiary-treated recycled water provided by the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF).

The project site is adjacent to an existing residential subdivision to the north. Additional residential subdivisions and commercial developments are planned for and will be constructed in the future surrounding the site. To minimize impact on existing or proposed development in the area, the project will be subject to the same requirements as approved for CUP No. 3503, which include: a grading permit prior to operation; runoff retained on site and limited use of on-site equipment; spray field mechanically maintained for control of weeds and fire hazards; no building allowed within right-of-way/future easement uses; field storage tanks to maintain setback, be installed with permit, and screened from the neighboring properties; use of recycled water for irrigation; easement covenants recorded for conveyance of non-potable water; irrigation pipes installed outside right-of-way/easements and removed upon cessation of the use; implementation of efficient Water Management Practices; no on-site storage of agricultural chemicals and use per county and state guidelines; spray field activities

conform to the San Joaquin Valley Air Pollution Control District requirements; proper disposal of agricultural wastes, including no on-site burning of waste material and no use of noisemaking devices for repelling birds/crop pests; no soil amendments or waste material; and use of motorized equipment during normal business hours to minimize noise and other impacts in the area. These requirements will be included as Conditions of Approval.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate 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 (Air District) expressed no concerns with the proposal except that the Applicant should contact the District's Small Business Assistance Office to identify District rules or regulations that apply to this project 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 subject parcel 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, the Applicant has submitted an Incidental Take Permit (ITP) application to CDFW for CTS, inclusive of measures to avoid, minimize, and mitigate impacts on CTS from Millerton New Town development projects and a Biological Opinion (BO) and Incidental Take Permit (ITP) for the entire Millerton New Town Specific Plan has been issued by CDFW and USFWS.

- 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 hilltops to mitigate glare. This proposal will adhere to the requirements of the 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is within an area designated as "moderately" sensitive for archeological resources. The California Historical Resources Information System (CHRIS) reviewed the proposal and expressed no concerns related to cultural resources. The project area has been examined as part of a study of the entire Millerton New Town Specific Plan entitled Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) prepared by Kristina Roper, and dated April 21, 2014. The Report identifies no archeological sites on the subject 32.93-acre parcel. The closest archeological site (FRE-2183) located approximately 1,270 feet south of the subject parcel will not be impacted by this proposal. Table Mountain Rancheria (TMR) reviewed the proposal and requires that they be promptly notified if any cultural resources are discovered during ground disturbance activities. As such, a mitigation measure would require that in the event that cultural materials, including human remains, are unearthed during ground disturbance resulting from farming or any construction activities authorized by CUP 3576, all work is to be halted in the area of the find, and an archeologist shall be

called in to evaluate the findings in order to make any necessary mitigation recommendations.

* **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 should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

- 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:

With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074.

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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
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 this proposal 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 identified 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 by the San Joaquin valley Air Pollution Control District.

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?

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 7.22-acre portion of the subject 32.93-acre parcel will be irrigated with tertiary-treated recycled water provided by the County Service Area (CSA) 34 New Town Wastewater Treatment Facility (WWTF) to grow orchard. In that regard, certain main-lines from the WWTF, pumps, irrigation equipment, and time-controlled and metered sprinkler devices will be installed for land irrigation.

The Regional Water Quality Control Board (RWQCB) reviewed the proposal and required the Applicant to provide a Title 22 Engineering Report for use of tertiary recycled water on the land for pistachio orchard. In lieu of the Report, the Applicant provided information regarding treatment process and stated that County Service Area (CSA) 34 New Town Wastewater Treatment Facility (WWTF) produces an effluent that meets the Title 22 requirements for disinfected tertiary recycled water (Section 60301.230) which is the treatment level required under Title 22 for food crop irrigation (Section 60304).

The RWQCB concurred with the Applicant-provided information and offered no additional comments. The Applicant will be required to provide a Title 22 Engineering Report to the RWQCB once completed. This will be included as a Project Note.

The Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and inquired about the entity paying for the operation and maintenance of on-site farming, installation of irrigation facilities and maintaining ponds. The Resources Division concurred with the information provided by the Applicant and offered no additional comments on the project.

The Fresno County Department of Public Health, Environmental Health Division also reviewed the proposal and expressed no concerns with the project.

- 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.

This proposal will utilize tertiary-treated recycled water from the CSA 34 New Town Wastewater Treatment Facility (WWTF) to irrigate the parcel which will be planted in pistachio orchard. This water is currently not being used for any beneficial use.

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

- 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:

According to the Applicant's Operational Statement letter, recycled water from Millerton Specific Plan's Wastewater Treatment Facility will be used at agronomic rates so that surface water runoff should not occur to impact adjacent land.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the subject parcel is within a rural stream area of the Fresno County Metropolitan Flood Control District and requires that the Applicant contact FMFCD for required clearance. This will be included as a Project Note.

- 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 06019C1035H, portions of the subject parcel are in Zone AE. Any development within the area identified as Zone AE must comply with the County Flood Hazard Ordinance (Title 15.48).

- 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 subject proposal would rezone a 7.22-acre portion of a 32.93-acre parcel from the R-1-C(c) Zone District to an 'O' Zone District and allow it to be irrigated with tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) for pistachio orchard. The subject parcel is currently designated Medium Density Residential in the Land Use and Circulation Elements of the Millerton Specific Plan.

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 with the project.

- 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 proposal 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 related to fire.

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.

- 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:

No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

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: LESS THAN SIGNIFICANT 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 will have less than significant impact on sensitive biological resources, and impact on cultural resources will be mitigated to a less than significant level with the included Mitigation Measure in 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 other than cultural resources, which will be addressed with the Mitigation Measure discussed in Section V. A. B. C. D. of this 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. 7289 prepared for Amendment Application No. 3822 and Unclassified Conditional Use Permit Application No. 3576, 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 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, agricultural and forestry resources, air quality, biological resources, geology and soils, hydrology and water quality, and utilities and service systems have been determined to be less than significant.

Potential impacts related to cultural resources has 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 southeast corner of Tulare and "M" Streets, Fresno, California.

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EXHIBIT 10

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 7289	LOCAL AGENCY PROPOSED MITIGATED 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. 3822; Unclassified Conditional Use Permit Application No. 3576		
<p>Project Description:</p> <p>Rezone a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District and allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming. Amendment Application No. 3809 was approved to rezone a 71.3-acre parcel to an 'O' Zone District, and Conditional Use Permit No. 3503 was approved to allow the use of recycled water on said land. This request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503 will allow 7.22 acres of additional land for rezoning and allow application of wastewater adjacent to the 71.3 acres approved by prior applications. Use of tertiary water associated with this application (Conditional Use Permit Application No. 3576) is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit No. 2942. The subject parcel is located within the Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-14S, 15S, 16S, 17S & 18S).</p>			
<p>Justification for Negative Declaration:</p> <p>Based upon the Initial Study (IS) No. 7289 prepared for Amendment Application No. 3822 and Unclassified Conditional Use Permit Application No. 3576, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to 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, agricultural and forestry resources, air quality, biological resources, geology and soils, hydrology and water quality, and utilities and service systems have been determined to be less than significant.</p> <p>Potential impacts related to cultural resources has 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 – June 19, 2017		Review Date Deadline: Planning Commission – July 20, 2017	
Date: June 15, 2017	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

ATTACHMENT C

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 7289	LOCAL AGENCY PROPOSED MITIGATED 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. 3822; Unclassified Conditional Use Permit Application No. 3576	
<p>Project Description:</p> <p>Rezone a 7.22-acre portion of a 32.93-acre parcel (APN 300-542-14S) from the R-1-C(c) Zone District to an 'O' Zone District and allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate the said acreage for farming. Amendment Application No. 3809 was approved to rezone a 71.3-acre parcel to an 'O' Zone District, and Conditional Use Permit No. 3503 was approved to allow the use of recycled water on said land. This request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503 will allow 7.22 acres of additional land for rezoning and allow application of wastewater adjacent to the 71.3 acres approved by prior applications. Use of tertiary water associated with this application (Conditional Use Permit Application No. 3576) is in addition to its approved use on the golf course and other landscaped areas within the Millerton Specific Plan as permitted by Conditional Use Permit No. 2942. The subject parcel is located within the Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-14S, 15S, 16S, 17S & 18S).</p>			
<p>Justification for Negative Declaration:</p> <p>Based upon the Initial Study (IS) No. 7289 prepared for Amendment Application No. 3822 and Unclassified Conditional Use Permit Application No. 3576, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to 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, agricultural and forestry resources, air quality, biological resources, geology and soils, hydrology and water quality, and utilities and service systems have been determined to be less than significant.</p> <p>Potential impacts related to cultural resources has 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 – June 19, 2017		Review Date Deadline: Board of Supervisors – September 12, 2017	
Date: August 7, 2017	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

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