

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 486 -3831

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

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

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

SECTION 2. All that five-acre portion of a 40-acre parcel (Northeast Quarter of the Northwest Quarter of Section 15, Township 11, Range 21, Mount Diablo Base and Meridian), which heretofore has been classified in the 'O' (Open Space) Zone District and an 1.5-acre portion of the same 40-acre parcel which hereto has been classified in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District pursuant to the Zoning Division of the Ordinance Code of Fresno County, located within the Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west Marina Drive, and 2.2 miles east of the unincorporated community of Friant, is hereby changed to the R-1(c) Zone District and an 'O' Zone District respectively, limited to an 80-lot Planned Unit Development as depicted in the attached Exhibit "A" subject to the Mitigation Measures and Conditions of Approval listed in Exhibit "B."

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

SECTION 4. In accordance with Government Code Sections 25123, 25131, and 65854-65857, this Ordinance, designated as Ordinance No. R- 486 -3831 shall take effect thirty days after its passage.

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2 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
3 of the County of Fresno this 6th day of August 2019, to wit:
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5 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

6 NOES: None

7 ABSENT: None

8 ABSTAINED: None
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12 Nathan Magsig, Chairman of the Board of
13 Supervisors of the County of Fresno

14 **ATTEST:**

15 Bernice E. Seidel
16 Clerk of the Board of Supervisors
17 County of Fresno, State of California

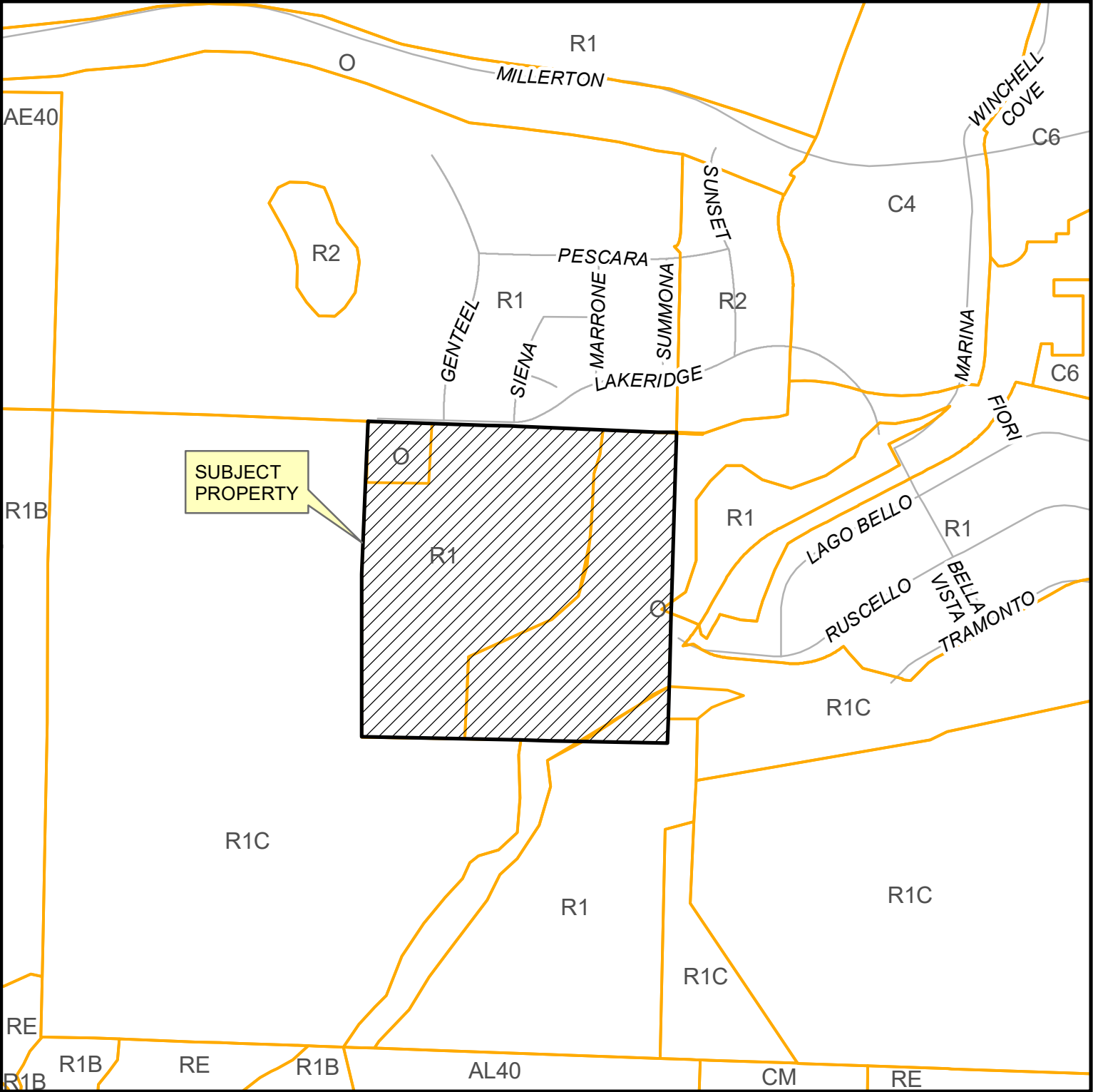
18 By Susan Bishop
19 Deputy

20 FILE # 19-0709

21 AGENDA # 6

22 ORDINANCE # R-486-3831
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EXHIBIT A



Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 7495/General Plan Amendment Application No. 554/
Amendment Application No. 3831/Vesting Tentative Tract Map Application No. 6226/
Classified Conditional Use Permit Application No. 3621 and Site Plan Review Application No. 8108

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning (PW&P)	As noted
2.	Cultural Resources	The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.	Applicant	Applicant/PW&P	As noted
3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures 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/PW&P	As noted
4.	Geology and Soils	Prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.	Applicant	Applicant/PW&P	As noted
5.	Geology and Soils	Design and construct sewer infrastructure necessary to serve the development prior to the issuance of building permits, as per the approved onsite and offsite plans.	Applicant	Applicant/PW&P	As noted

EXHIBIT B

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
6.	Geology and Soils	<p>Amend the existing Waste Discharge Requirements issued by the Regional Water Quality Control Board for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.</p> <p>a. Address and provide a permanent solution for current headworks issues at the wastewater treatment plant.</p> <p>b. Complete and provide a final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.</p>	Applicant	Applicant/PW&P	As noted
7.	Hydrology and Water Quality	Prior to the issuance of a building permit, the developer shall expand the existing surface water treatment facility as necessary to serve the development.	Applicant	Applicant/PW&P	As noted
8.	Hydrology and Water Quality	As per the Millerton Infrastructure Plan, design and install a 450-kilowatt (KW) or larger propane or diesel-powered generator, or alternative method of backup generation approved by the Director of the Department of Public Works and Planning, with accessible fueling station and service access together with transmission facilities to the lake pump Motor Control Center [backup power generation unit shall be sized to operate 3 to 100 horsepower (HP) pumps simultaneously].	Applicant	Applicant/PW&P	As noted
9.	Hydrology and Water Quality	Design and construct infrastructure necessary to serve the development prior to the issuance of building permits as per the approved onsite and offsite plans.	Applicant	Applicant/PW&P	As noted
10.	Hydrology and Water Quality	Prior to the recordation of a final map, the developer must enter into an Allocation of Permanent Water Rights Agreement with the County.	Applicant	Applicant/PW&P	As noted
11.	Transportation	To mitigate potential impacts to the County-maintained roads, a pro-rata share for future offsite improvements is required as defined in items a-s below. This fee shall either be paid prior to recordation of the map, or a covenant shall be recorded on	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
11. (cont.)	Transportation	<p>each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the Applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.</p> <p>a) Signalization at the intersection of N. Friant Road and Copper/Millbrook Avenues: The project's maximum share for the 2020 scenario is 0.80% or \$0.00. (Note: Improvements are constructed.)</p> <p>b) Signalization at the intersection of N. Friant Road and N. Willow Avenue: The project's maximum share for the 2020 scenario is 0.88% or \$11,056.00.</p> <p>c) Signalization at the intersection of N. Friant Road and North Fork Road: The project's maximum share for the 2020 scenario is 0.83% or \$1,549.00.</p> <p>d) Signalization at the intersection of N. Willow Avenue and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$2,421.00.</p> <p>e) Signalization at the intersection of Millerton Road and Auberry Road: The project's maximum share for the 2020 scenario is 0.19% or \$1,758.00.</p> <p>f) Signalization at the intersection of Millerton Road and Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.45% or \$4,195.00.</p> <p>g) Signalization at the intersection of Millerton Road and Brighton Crest Drive: The project's maximum share for the 2020 scenario is 0.52% or \$3,228.00.</p> <p>h) Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 1.56% or \$9,737.00.</p> <p>i) Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is 0.39% or \$0.00. (Note: Improvements are constructed.)</p>	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
11. (cont.)	Transportation	<p>j) Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.73% or \$1,920.00.</p> <p>k) Signalization at the intersection of Auberry Road, Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 1.19% or \$11,163.00.</p> <p>l) Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 1.07% or \$4,769.00.</p> <p>m) Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 0.85% or \$9,116.00.</p> <p>n) Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 0.95% or \$2,087.00.</p> <p>o) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork Road to Maina Drive. The project's maximum share for the 2020 scenario is 1.14% or \$242,274.00.</p> <p>p) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.51% or \$37,520.00.</p> <p>q) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.35% or \$30,234.00. The project's total right-of-acquisition cost is 0.83% or \$3,085.00.</p> <p>r) Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.15% or \$5,941.00. The project's total right-of-acquisition cost is 0.15% or \$887.00.</p>	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
11. (cont.)	Transportation	s) Widening of Auberry Road from two (2) lanes to a four (4)-lane Arterial from E. Copper Avenue to Marina Drive: The project's maximum share for the 2020 scenario is 1.0% or \$464,993.00. The project's total right-of-acquisition cost is 2.0% or \$8,340.00.	Applicant	Applicant/PW&P	As noted

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