



County of Fresno

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Legislation Details (With Text)

File #: 17-1006

On agenda: 9/12/2017

Final action: 9/12/2017

Enactment date:

Enactment #: Ordinance No. R-478-3822

Title: Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7289 including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576; approve ordinance pertaining to Amendment Application No. 3822 thereby rezoning 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; determine that required Findings specified in Fresno County Ordinance Code Section 873-F can be made and approve Unclassified Conditional Use Permit No. 3576 to allow the use of tertiary-treated recycled water on the subject 7.22 acres (APN 300-542-14S); and designate County Counsel to prepare fair and adequate summary of proposed ordinance, and direct Clerk to the Board to post and publish required summary in accordance with Government Code Section 25124(b)(1), subject parcel is located within Millerton Specific Plan, approximately 5,098 feet west of Auberry Road, 980 feet south of Millerton Road and 2.5 miles east of unincorporated community of Friant

Attachments: 1. Agenda Item, 2. Attachments A - C, 3. Ordinance No. R-478-3822, 4. Ordinance Summary, 5. Additional Information

Date	Ver.	Action By	Action	Result
9/12/2017	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: September 12, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

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

RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7289 including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576; and**
- 2. Approve ordinance pertaining to Amendment Application No. 3822 thereby rezoning 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**
- 3. Determine that the required Findings specified in Fresno County Ordinance Code Section 873-F can be made and approve Unclassified Conditional Use Permit No. 3576 to allow the use of tertiary-treated recycled water on the subject 7.22 acres (APN 300-542-14S)**
- 4. Designate County Counsel to prepare a fair and adequate summary of the proposed ordinance, and direct the Clerk to the Board to post and publish the required summary in accordance with**

Government Code Section 25124(b)(1).

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).

This item comes before the Board with a unanimous recommendation (5 to 0, three Commissioners absent; one vacancy) for approval from the Planning Commission. A rezoning requires final action from the Board of Supervisors as required by the Fresno County Zoning Ordinance and State planning law.

ALTERNATIVE ACTION(S):

If the Board determines that the rezoning is not consistent with the General Plan, a motion to deny Amendment Application No. 3822 and Unclassified Conditional Use Permit No. 3576 would be appropriate.

FISCAL IMPACT:

Pursuant to the County's Master Schedule of Fees, the applicant has paid \$17,300.50 in land use processing fees to the County for the processing of the Amendment Application request.

DISCUSSION:

A rezoning is a legislative act requiring final approval by the Board. Final action by the Board is also required for the adoption of the Initial Study Application (IS), filed concurrently with the rezoning application. If approved, the rezoning would then become effective 30 days after adoption.

The applicant is proposing to 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 this area for farming. The property 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.

Previously, Amendment Application No. 3809 was approved to rezone a 71.3-acre parcel to an 'O' Zone District, and Unclassified Conditional Use Permit No. 3503 was approved to allow the use of recycled water on the 71.3 acres. The current request, modifying Amendment Application No. 3809 and Conditional Use Permit No. 3503 will allow 7.22 acres of additional land for the application of wastewater adjacent to the 71.3 acres previously approved to receive the water. Use of tertiary water associated with this and the prior applications 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 on September 7, 2000.

The subject land use applications were considered by the Planning Commission on July 20, 2017. After receiving staff's presentation and considering public testimony from the Applicant and his representative, the Commission approved a motion to forward to the Board a recommendation adopting the Mitigated Negative Declaration prepared for the project and approving the proposed rezone and use permit request, subject to the Conditions of Approval and Project Notes listed in the Staff Report with modifications, as recommended by the Commission shown in bold (See Attachment A for the Planning Commission Action) relating to security fencing, use of beehives on the property, and spray-field operation being in accordance with the Operational Statement for CUP No. 3576. At the hearing, one member of the public, a nearby property owner, expressed concerns with farming activities proposed close to residential development. A copy of the July 20, 2017 Planning Commission Staff Report is attached as Attachment B.

In order to approve a Conditional Use Permit, four Findings of Fact as specified in Section 873-F of the Fresno County Zoning Ordinance must be made by the decision-making body. In the case of the subject applications, the Planning Commission was able to make the following four Findings and recommend approval of the

Conditional Use Permit:

Conditional Use Permit Findings (Zoning Ordinance Section 873-F)

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.

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

Finding 3: That the proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety and general welfare.

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

If the Board determines that the proposed rezoning and concurrent CUP Applications are consistent with the General Plan, an approval motion would be appropriate stating in its motion to approve that the Board is adopting the Mitigated Negative Declaration prepared for Initial Study No. 7289. The proposed Mitigated Negative Declaration prepared for IS No. 7289 is attached as Attachment C. If the Board determines that the rezoning and concurrent CUP are not consistent with the General Plan, denial of the application would then be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C
Ordinance
On file with Clerk - Ordinance Summary

CAO ANALYST:

John Hays