



County of Fresno

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Legislation Text

File #: 16-1181, **Version:** 1

DATE: September 27, 2016

TO: Board of Supervisors

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

SUBJECT: Initial Study No. 7147 and Amendment Application No. 3809 (Applicant: Bonadelle Neighborhoods)

RECOMMENDED ACTION(S):

1. **Consider and adopt the Negative Declaration prepared for Initial Study Application No. 7147; and**
2. **Approve Ordinance pertaining to Amendment Application No. 3809 rezoning four contiguous parcels totaling 77.96 acres from the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District and the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone District to the 'O' (Open Conservation Land Use) Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility. The use of recycled water was authorized by Conditional Use Permit No. 3503.**

The project site is located within the Millerton Specific Plan, approximately 4,000 feet west of Auberry Road, approximately 2,000 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-542-15S, 16S, 17S & 18S).

This item comes before the Board with a unanimous recommendation for approval (8 to 0; one Commissioner absent) from the Planning Commission.

ALTERNATIVE ACTION(S):

If the Board determines that the rezoning is not consistent with the General Plan, a motion to deny Amendment Application No. 3809 would be appropriate.

FISCAL IMPACT:

Pursuant to the County's Master Schedule of Fees, the Applicant has paid \$12,086 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 the property from the R-1-B(c) and R-1-C(c) Zone Districts to an 'O' Zone

District to allow the properties to be farmed with treated/recycled water from an existing wastewater treatment facility. The property is located within the Millerton Specific Plan, approximately 4,000 feet west of Auberry Road, approximately 2,000 feet south of Millerton Road and 2.5 miles east of the unincorporated community of Friant.

Previously, Unclassified Conditional Use Permit No. 3503 was approved on April 14, 2016 to permit the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to spray irrigate the subject 77.96-acre property in the R-1-B(c) and R-1-C(c) Zone Districts. The current proposal to rezone the property from the R-1-B(c) and R-1-C(c) Zone Districts to an 'O' (Open Space) Zone District will permit the property to be actively farmed, which as indicated by the Applicant is an efficient way to dispose of treated/recycled water. Open Space is considered conditionally compatible with land designated Medium-Low-Density Residential in the Millerton Specific Plan. Further, the Applicant proposes specific conditions to limit farming practices in such a manner as to not impact surrounding residential uses.

This item was considered by the Planning Commission on July 21, 2016. After receiving staff's presentation and considering public testimony from the Applicant and his representative, the Commission approved a unanimous motion (8 to 0; one Commissioner absent) to forward to the Board a recommendation to adopt the Negative Declaration prepared for the project and approve the proposed rezone request, subject to the Conditions of Approval and Project Notes listed in the Staff Report (Planning Commission Action attached as Exhibit 1). At the hearing, one member of the public, a nearby property owner, expressed concerns with farming activities proposed in close proximity to residential development. A copy of the July 21, 2016 Planning Commission Staff Report is attached as Exhibit 2.

If the Board determines that the proposed rezoning is consistent with the General Plan, an approval motion would be appropriate stating in its motion to approve that the Board is adopting the Negative Declaration prepared for Initial Study No. 7147. The proposed Negative Declaration prepared for IS No. 7147 is attached as Exhibit 3. If the Board determines that the rezoning is 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:

Exhibits 1 - 3
On file with Clerk - Ordinance

CAO ANALYST:

John Hays