



## 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

RESOLUTION NO. 12662

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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**EXHIBIT B**

**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"> <li>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.</li> <li>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.</li> <li>c. Irrigated cropland shall be managed in compliance with California Water Code Section 13260.</li> <li>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.</li> <li>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.</li> </ul>

f. Recycled water shall be used for irrigation; appropriate easement covenants shall be recorded for conveyance of non-potable water, installation of irrigation pipelines shall be minimized to the extent possible in portions of a property planned for right-of-way or easements for infrastructure; at the conclusion of agricultural activities, irrigation pipelines shall be removed; efficient Water Management Practices identified in Fresno Irrigation District's adopted Agricultural Water Management Plan shall be implemented as feasible; the practices of "Chemigation" and "Fertigation," and any other means of distributing agrichemicals via irrigation water, shall only be permitted if there is no risk of such chemicals flowing off site or creating a nuisance or hazard to adjoining properties.

g. ~~Security wire shall not be permitted for fencing on or surrounding Agricultural activities.~~ **Security fencing shall be in accordance with Millerton Specific Plan.**

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.

i. Cultivation, harvesting and soil amendment activities shall conform to applicable regulations of the San Joaquin Valley Air Pollution Control District, including controls for particulate matter, fugitive dust, bulk material handling, and odors.

j. Beehives may be temporarily placed on agricultural land for pollination purposes. Beehives shall be properly maintained according to apitary 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.**

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.

l. Sonic hail disruptors ("Hail Cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.

m. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.

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.

2. 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.

Note: The Department of Public Works and Planning will prepare the covenant upon receipt of the standard processing fee which is currently \$243.50.

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

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.

<sup>2</sup> 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.

<sup>3</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.





**County of Fresno**  
**Board of Supervisors**  
**Minute Order**

Hall of Records, Room 301  
2281 Tulare Street  
Fresno, California  
93721-2198  
Telephone: (559) 600-3529  
Toll Free: 1-800-742-1011  
[www.co.fresno.ca.us](http://www.co.fresno.ca.us)

**September 12, 2017**

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**Present:** 5 - Supervisor Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Chairman Brian Pacheco, and Vice Chairman Sal Quintero

Agenda No. 18.

Public Works & Planning

File ID: 17-1006

**Re:** 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

**A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Ordinance No. R-478-3822