



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 April 14, 2016

SUBJECT: Initial Study Application No. 6988 and Unclassified Conditional Use Permit Application No. 3503

Allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate a proposed spray field consisting of 77.96 acres of undeveloped land in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone Districts. 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.

LOCATION: The site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 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).

OWNER: JPJ, Inc.
APPLICANT: Bonadelle Neighborhoods
REPRESENTATIVE: Austin Ewell

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6988; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3503 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans/Details
6. Applicant’s Operational Statement
7. Summary of Initial Study Application No. 6988

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Open Space and Medium-Low Density Residential within the Millerton Specific Plan	No change
Zoning	R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional)	No change. The proposal is allowed under Section 853.B. 19, 20 & 21 of the Zoning Ordinance.
Parcel Size	77.96 acres	No change
Project Site	None	Allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate a proposed spray field consisting of 77.96 acres of undeveloped land
Structural Improvements	None	None
Nearest Residence	160 feet to the north	No change
Surrounding Development	Single-Family Residences; Wastewater Treatment Facility	No change

Criteria	Existing	Proposed
Operational Features	None	<ul style="list-style-type: none"> • Allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility (WWTF) to irrigate a proposed spray field consisting of 77.96 acres of undeveloped land. • Main lines (from the WWTF), pumps, irrigation equipment, controls, and water emitters will be installed (subsurface or at grade level) to irrigate the land. • The land will be irrigated at agronomic rate to avoid surface water runoff. • Grass or other vegetation growth on the property as a result of the spray will be mechanically maintained.
Employees	N/A	Up to three
Customers	N/A	N/A
Traffic Trips	N/A	<p>Six (6) one-way trips (three round trips) by employees at various periods during the year</p> <p>Ten (10) one-way trips (five round trips) by service and delivery trucks per month</p>
Lighting	N/A	N/A
Hours of Operation	N/A	From morning until afternoon weekly

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has

determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: March 14, 2016

PUBLIC NOTICE:

Notices were sent to 153 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

According to the Applicant's Operational Statement, County Service Area (CSA 34) currently operates the existing Millerton New Town Tract Nos. 4048 and 4870 wastewater treatment system under the Waste Discharge requirement and the water Reclamation Requirements of the Regional Water Quality Control Board (RWQCB), issued in 1991. The existing Wastewater Treatment Facility (WWTF) has a permitted capacity of 112,000 gallons per day. The existing wastewater discharge flows received from the existing residences in the tracts are treated at the WWTF, and stored in the adjacent pond where they await dispersal. On July 31, 2008, RWQCB issued Waste Discharge Requirements under Order No. R5-2008-0127 for CSA 34 which allows the use of disinfected tertiary-treated recycled water for irrigation of the spray field.

The subject proposal would allow recycled water from the WWTF to irrigate a proposed spray field consisting of 77.96 acres of undeveloped residential land near the WWTF. 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. According to the Applicant, disbursement of the treated water is part of the Millerton Specific Plan and its Infrastructure Plan, and it was always anticipated that developments would dispose of treated water. Existing improvements within the Millerton Specific Plan are now at a point of producing enough water to warrant the disbursement of water for irrigation practices. Currently, the tertiary-treated recycled water sitting in storage ponds by the WWTF are nearing capacity and there is a need to have the water disbursed to reduce pond levels to avoid overflowing.

The project will install certain main lines (from the WWTF), pumps, irrigation equipment, controls, and water emitters, either subsurface or at grade level, to irrigate the subject land at agronomic rates to avoid surface water runoff. Furthermore, any grass or other vegetation growth on the property as a result of the spray will be mechanically maintained.

The subject proposal is allowed in the R-1-B(c) and R-1-C(c) Zone Districts by an Unclassified Conditional Use Permit under Section 853.B. 19, 20 & 21 of the County Zoning Ordinance.

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.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	R-1-B Zone District: Front 35 feet; Sides 10 feet; Rear 20 feet R-1-C Zone District: Front 25 feet; Sides 7 feet; Rear 20 feet	N/A; no building proposed	N/A
Parking	One parking space in a garage or carport for every dwelling unit	N/A	N/A
Lot Coverage	R-1-B (35 percent) R-1-C (40 percent)	N/A N/A	N/A N/A
Separation Between Buildings	Six feet between accessory building and main building	N/A	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	N/A	N/A
Septic Replacement Area	100 percent for 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

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: No setback or other concerns related to this 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 5) demonstrates no above-ground structures or improvements are 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 proposed spray field consisting of 77.96 acres of undeveloped land by utilizing time-controlled and metered sprinkler devices. The subject land is adequate in size and shape to receive the wastewater discharge from the WWTF.

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.

		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 77.96 acres of undeveloped land.
Road ADT		N/A	N/A
Road Classification		N/A	N/A
Road Width		N/A	N/A
Road Surface		N/A	N/A
Traffic Trips		None	Six (6) one-way trips (three round trips) by employees at various periods during the year Ten (10) one-way trips (five round trips) by service and delivery trucks per month
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

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 77.96 acres of undeveloped land does not have public road frontage. The closest public roads, Millerton and Auberry Roads, are located approximately 2,415 feet to the north and 3,780 feet to the southeast of the subject proposal. 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. The proposal will not generate significant traffic to impact County roadways. All existing roads in the vicinity of the project site 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.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	32.93 acres	Single-Family Residence	R-1-C	160 feet
South:	26.64 acres	Vacant	R-E, C-1, C-M	None
East:	24.53 acres	Vacant	R-1-B	None
West:	80 acres	Vacant	R-1-C	None

Reviewing Agency/Department Comments:

State Water Resource Control Board (SWRCB), Department of Drinking Water (DDW): Contamination of the water in the recycled water main shall be prevented by centering the recycled water pipe (assuming each pipe is at least 20' long) on the centerline of the main it is

crossing under. This will locate joints as far from the crossing mains as possible. This requirement is included as a Mitigation Measure.

Fresno County Department of Public Health, Environmental Health Division: 1) in an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; and 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.

California Regional Water Quality Control Board (RWQCB), Central Valley Region: The Applicant shall submit and get approval from the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) of an updated Title 22 Engineering Report for the Production, Distribution, and Use of Recycled Water for the subject property; and provide a copy of the Title 22 Report and SWRCB approval to RWQCB.

San Joaquin Valley Air Pollution Control District (Air 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.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required to show how additional water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A Grading Permit or Voucher shall be required for any grading proposed with this application.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections are required, including site development, based upon the codes in effect at the time of plan check submittal.

Water/Geology/Natural Resources Section, Resources Division, and Design Division of the Fresno County Department of Public Works and Planning; Fresno County Fire Protection District; Fresno County Department of Agriculture: No concerns with the proposal.

Analysis:

The subject proposal would use tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) to irrigate 77.96 acres of undeveloped land. Certain main lines (from the WWTF), pumps, irrigation equipment, controls, and water emitters will be installed to irrigate the land, and any grass or other vegetation growth on the property as a result of the spray field operation will be mechanically maintained.

The subject proposal is located within Millerton New Town near the unincorporated community of Friant. Adjacent parcels to the east, west, and south are undeveloped, and the parcels to the north are developed with single-family homes. The WWTF is located to the southwest of the proposal.

An Initial Study prepared for the project has identified biological resources, cultural resources, and hydrology and water quality as potential impacts. In regard to the biological impact, an Incidental Take Permit for California Tiger Salamander will be required from the California Department of Fish and Wildlife prior to any ground disturbance. In regard to cultural resources, the existing known archaeological site near the project site will remain undisturbed. In regard to

hydrology and water quality, contamination of the water in the recycled water main will be prevented by centering the recycled water pipe on the centerline of the main it is crossing under. These requirements are included as Mitigation Measures (Exhibit 1).

Potential impacts related to agricultural and forestry resources, air quality, and geology and soils are considered to be less than significant. The project will comply with a number of items to minimize impact on the existing and the proposed improvements in the area included as Conditions of Approval in Exhibit 1; the Applicant will be required to 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 Measures, 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 Measures, recommended Conditions of Approval and mandatory 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 the proposed spray field consisting of 77.96 acres of undeveloped land and 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 the policies SP1-P80 and SP1-P83.</p>

Reviewing Agency 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 the proposed spray field consisting of 77.96 acres of undeveloped land by utilizing time-controlled and metered sprinkler devices. The land is designated Open Space and Medium-Low Density Residential in the Land Use and Circulation Elements of the Millerton Specific Plan.

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 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 the required Findings for granting Unclassified Conditional Use Permit (CUP) No. 3503 can be made based on the factors cited in the Analysis, the recommended Conditions of Approval, and Project Notes regarding mandatory requirements. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3503 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6988; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit (CUP) No. 3503, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit (CUP) No. 3503; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit (CUP) Application No. 3503
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Biological Resources	An Incidental Take Permit for California Tiger Salamander shall be acquired from the California Department of Fish and Wildlife prior to any ground disturbance on the project site.	Applicant	Applicant/California Department of Fish and Wildlife	As noted
*2.	Cultural Resources	The entire archeological site (FRE-2183) identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) prepared by Kristina Roper, dated April 21, 2014, shall remain in open space and undisturbed by any farming activities/improvements on the 77.96-acre project site.	Applicant	Applicant/ Fresno County Department of Public Works and Planning	In perpetuity
*3.	Hydrology and Water Quality	As required by the State Water Resources Control Board, Department of Drinking Water, contamination of the water in the recycled water main shall be prevented by centering the recycled water pipe (assuming each pipe is at least 20' long) on the centerline of the main it is crossing under. This will locate joints as far from the crossing mains as possible.	Applicant	Applicant/ State Water Resources Control Board, Division of Drinking Water	As long as the project lasts
Conditions of Approval					
1.		Development and operation of the use shall be conducted in accordance with the Site Plan and Operational Statement approved by the Planning Commission.			
2.		Approval of a grading permit is required for site clearance and leveling prior to commencement of Spray Field use activity.			
3.		Irrigation tail water and storm water runoff shall be retained on site, so as to prevent it from entering adjacent property or natural watercourses. Flood irrigation or broad scale soil irrigation such as water cannons or similar mechanical equipment shall not be allowed.			

Conditions of Approval

4.	The spray field shall be regularly mowed or otherwise mechanically maintained to prevent an unsightly appearance, fire hazard or spread of weeds.
5.	Permanent buildings shall not be installed on portions of a property planned for right-of-way or other future easement uses.
6.	If private field storage tanks are allowed, such tanks shall be screened from view of neighboring properties and installed/maintained pursuant to the appropriate permits and required approvals from Fresno County Environmental Health 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 regulatory agencies.
7.	Recycled water shall be used for irrigation of the Spray Field and 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 Spray Field activities, all irrigation pipelines and other equipment shall be removed by permittee; and, efficient Water Management Practices identified in Fresno Irrigation District's adopted Water Management Plan shall be implemented as feasible.
8.	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 Environmental Health, California Environmental Protection Agency Division of Toxic Substance Control, and Fire Department.
9.	Spray Field 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; and regulations of the Regional Water Quality Control Board.
10.	No on-site burning of waste material shall be allowed. Waste material and litter associated with spray field operations shall be properly disposed of in a timely manner, and shall not be permitted to blow onto adjacent properties
11.	Sonic hail disruptors ("Hail Cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.
12.	Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.
13.	Motorized equipment use shall be kept to a minimum and conducted only during normal business hours. Chemical applications, Irrigation 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.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. 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. This use permit will become void unless there has been substantial development within two years of the effective date of this approval.

Notes

2.	Plans, permits (including any electrical work) and inspections are required, including site development, based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 for permits and inspections.
3.	<p>According to the Fresno County Department of Public Health, Environmental Health Division:</p> <ul style="list-style-type: none"> • In an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. • Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.
4.	<p>According to the California Regional Water Quality Control Board (RWQCB), Central Valley Region:</p> <ul style="list-style-type: none"> • The Applicant shall submit and get approval from the State Water Resources Control Board (SWRCB), Department of Drinking Water (DDW) of an updated Title 22 Engineering Report for the Production, Distribution and Use of Recycled Water for the subject property; and provide a copy of the Title 22 Report and SWRCB approval to RWQCB.
5.	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.
6.	A Grading Permit or Voucher is required for any grading proposed with this application.
7.	An Engineered Grading and Drainage Plan may be required to show how additional water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

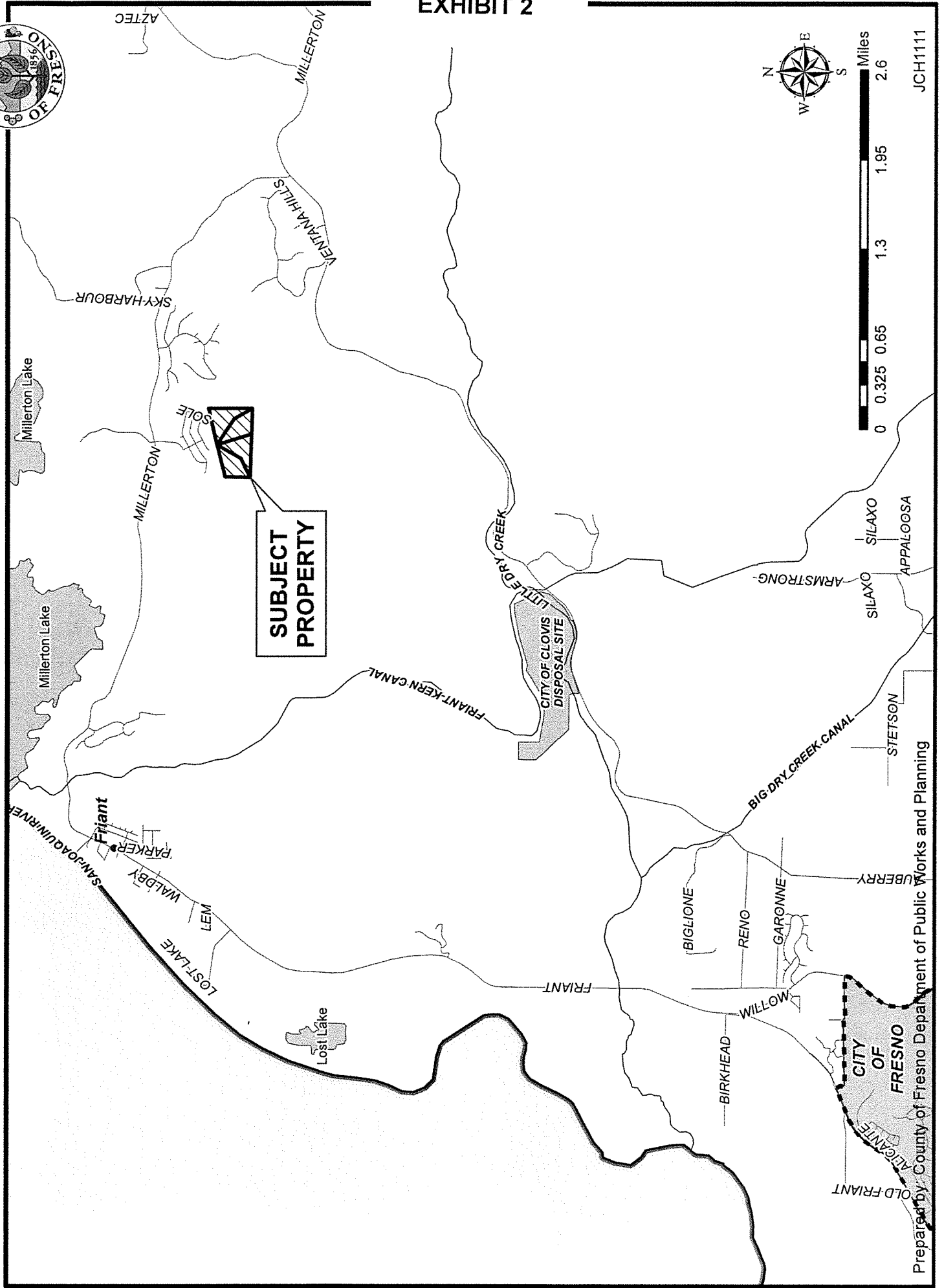
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LOCATION MAP

CUP 3503



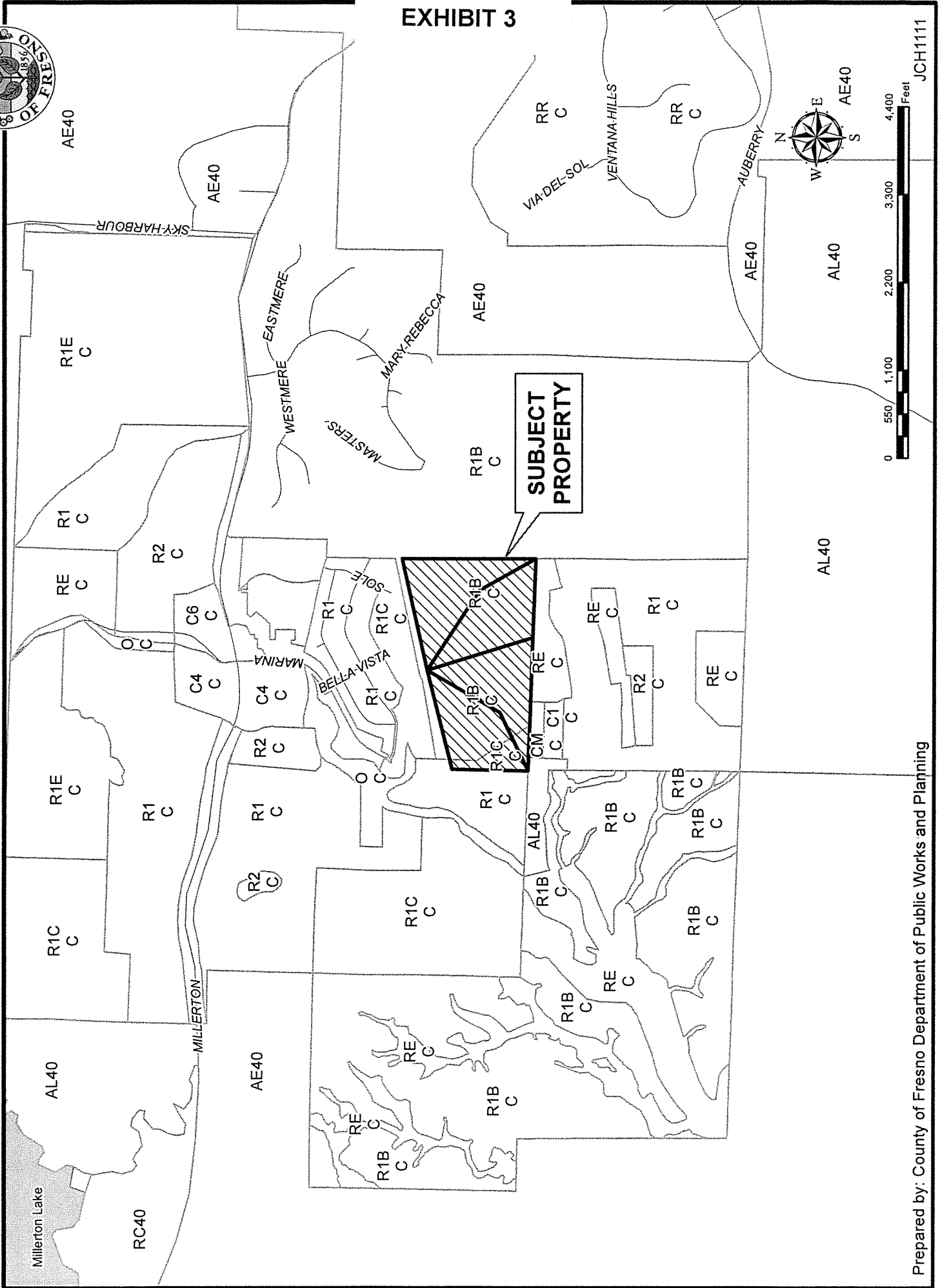
EXHIBIT 2



EXISTING ZONING MAP



EXHIBIT 3





EXISTING LAND USE MAP

CUP 3503



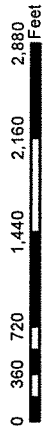
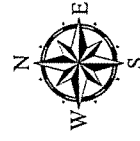
LEGEND

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

LEGEND:



Subject Property



Department of Public Works and Planning
Development Services Division

EXHIBIT 5

CUP#
SPRAY AREA EXHIBIT

LEGEND

SYMBOL

DESCRIPTION
SPRAY REUSE AREA
AREA = 423.2 AC

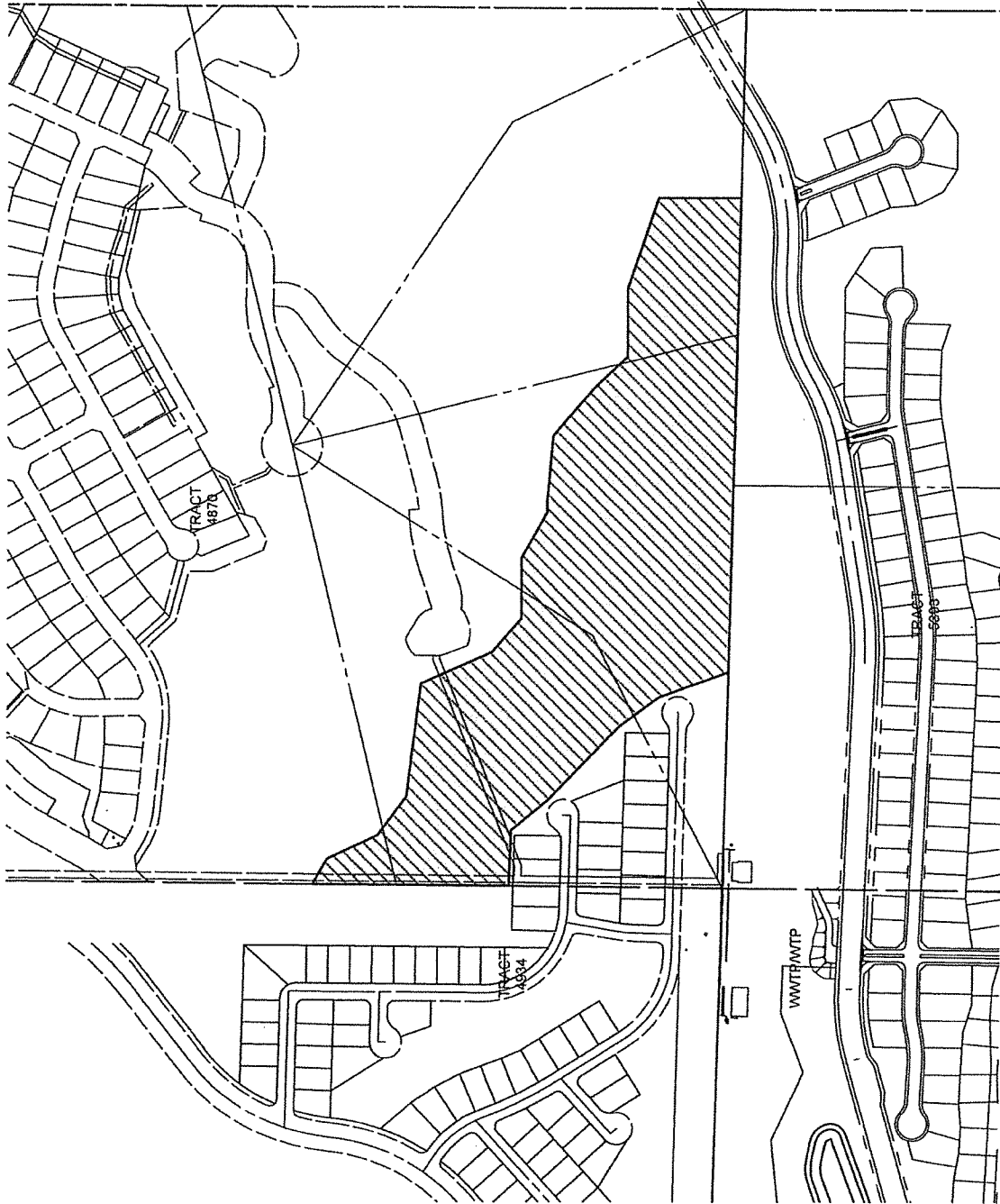
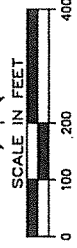


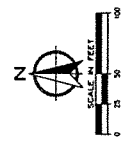
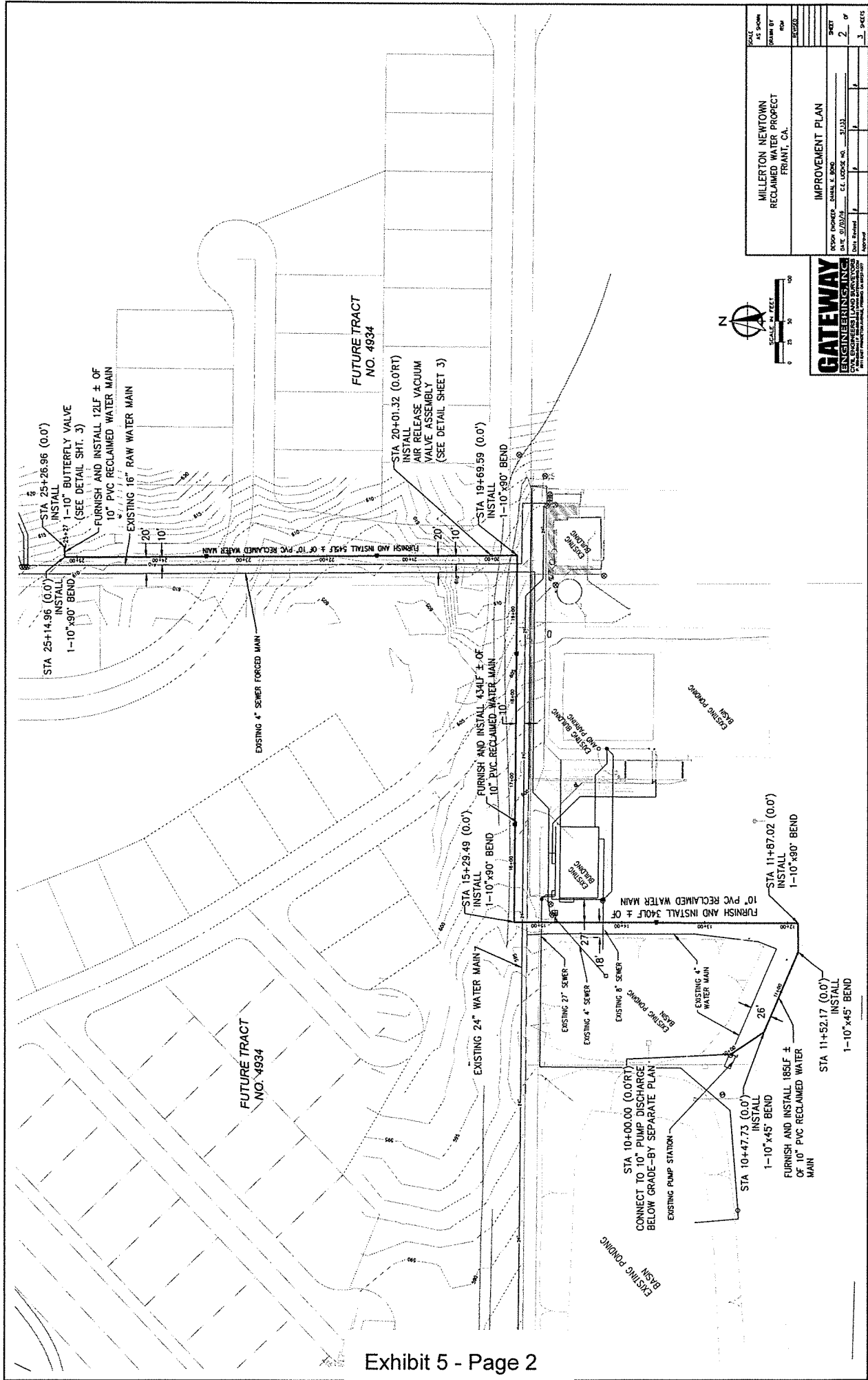
CUP 3503

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COUNTY OF FRESNO

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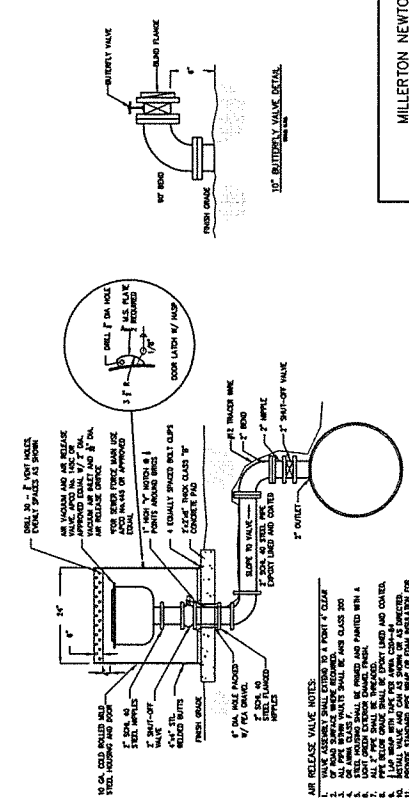
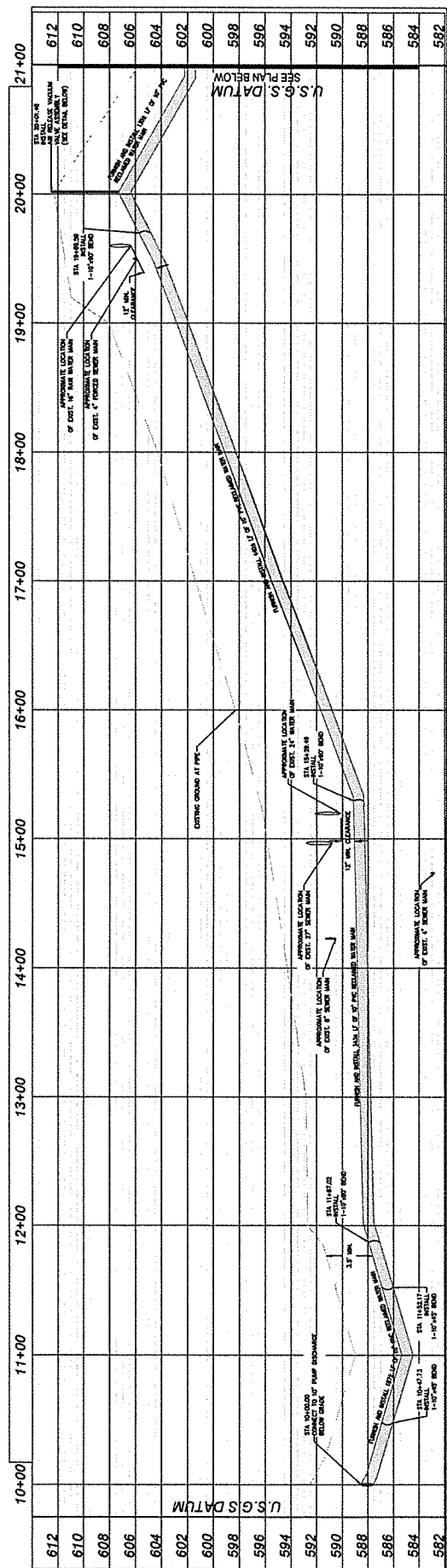
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



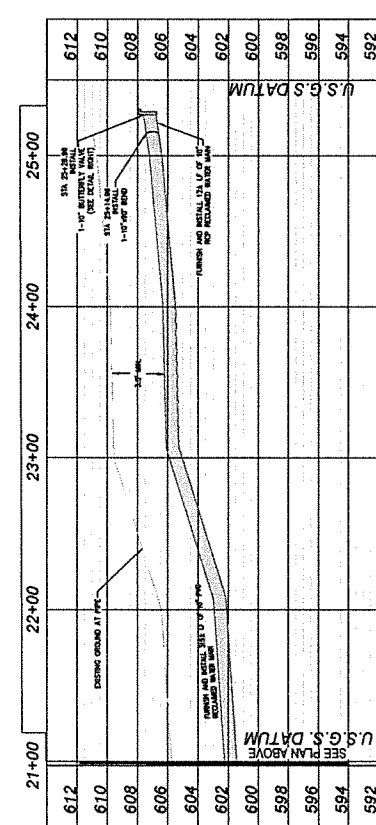


SCALE AS SHOWN	
DATE BY	
ROOM	
REVISION	
MILLERTON NEWTOWN RECLAIMED WATER PROJECT FRAMIT, CA.	
IMPROVEMENT PLAN	
DATE PLOTTED	DATE CHECKED
BY	BY
NO. OF SHEETS	NO. OF SHEETS
2	2
3	3

GATEWAY
ENGINEERING INC.
10000 W. CENTRAL EXPRESSWAY
SUITE 100
DALLAS, TEXAS 75243
TEL: 972.412.1000
WWW.GATEWAYENGINEERING.COM



- AIR RELEASE VALVE NOTES:**
1. THIS ASSEMBLY SHALL BE SET TO A POINT 4' CLEAR.
 2. ALL PIPE ABOVE VALVE SHALL BE 400 CLASS 200.
 3. ALL PIPE BELOW VALVE SHALL BE 400 CLASS 200.
 4. ALL EXISTING PIPE SHALL BE CLEANED AND PAINTED WITH A 200 CLASS 200.
 5. ALL 4\"/>



GATEWAY ENGINEERING INC.
 CIVIL ENGINEERS AND SURVEYORS
 1000 W. 10th Street, Suite 100, Frimmit, CA 94724
 Phone: (925) 486-1111
 Fax: (925) 486-1112
 Website: www.gatewayeng.com

**MILLERTON NEWTOWN
 RECLAIMED WATER PROJECT
 FRIMMIT, CA.**

DETAIL AND PROFILE PLAN

PROJECT NO. 21-033
 DATE 2/10/24
 DRAWN BY: []
 CHECKED BY: []
 APPROVED BY: []

SHEET 3 OF 3
 SHEETS 2

EXHIBIT 6

CUP 3503 MILLERTON NEW TOWN SPECIFIC PLAN IRRIGATED SPRAY FIELD

(Dated: 3/8/16)

OPERATIONAL STATEMENT FOR CONDITIONAL USE PERMIT IRRIGATION OF SPRAY FIELD WITH RECYCLED WATER

I. Nature of the Operation: This Conditional Use Permit (CUP) consists of the request to irrigate the proposed Spray Field with applicant's tertiary treated recycled water from the tertiary treatment facilities operated by CSA-34.

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.

III. Description of the CUP: This CUP consists of a request to irrigate the proposed Spray Field with tertiary treated reclaimed water from the WWTP operated by CSA-34. 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 the Spray Field.

The proposed area which is the subject of this current CUP consists of up to approximately 78 acres to be maintained as irrigated Spray Field. The location of the irrigated Spray Field is shown on the attached map. 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 Spray Field, such as activity consistent with maintaining a Spray Field 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.

CUP3503

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AND PLANNING
DEVELOPMENT SERVICES DIVISION

V. Number of Customers and Visitors: The only persons involved in the Spray Field operation will be maintenance and operational personnel involved with the Spray Field.

VI. Drainage and Grading: The Spray Field 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 Spray Field management will require between 1 and 3 people at various periods during the year.

VIII. Service and Delivery Vehicles: Service delivery vehicles for the Spray Field 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 Spray Field 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 Spray Field and for service/delivery vehicles. No customer parking is anticipated.

X. Water and Energy Conservation and Fire Protection:

A. Water Use:

1. The Spray Field will be irrigated with disinfected tertiary-treated recycled water under a Discharge Order from the Regional Water Quality Control Board. A copy of the Order is attached as Exhibit "B" hereto.

2. The irrigation of the Spray Field 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 Spray Field proposed and to be irrigated will be mechanically mowed or otherwise maintained to prevent a fire hazard and unsightly appearance.

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

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

B. Wastewater: Any sanitary wastewater generated at Spray Field 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 Spray Field.

XIV. Equipment to be Used:

A. Spray Field: No special equipment is to be used beyond that required for the normal operation of a Spray Field.

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

XV. Supplies and Materials:

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

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

Spray Field: The Spray Field 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 Spray Field.

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?:

Spray Field: The Spray Field is not expected to generate any solid waste beyond grass clippings. 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:

Spray Field: The Spray Field 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:

Spray Field: 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 Spray Field.



EXHIBIT 7

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Bonadelle Neighborhoods
- APPLICATION NOS.:** Initial Study Application No. 6988 and Unclassified Conditional Use Permit Application No. 3503
- DESCRIPTION:** Allow the use of tertiary-treated recycled water from an existing Wastewater Treatment Facility to irrigate a proposed spray field consisting of 77.96 acres of undeveloped land in the R-1-B (c) (Single Family Residential, 12,500 square-foot minimum parcel size; Conditional) and R-1-C (c) (Single Family Residential, 9,000 square-foot minimum parcel size; Conditional) Zone Districts. 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.
- LOCATION:** The site is located within the Millerton Specific Plan, approximately 3,794 feet west of Auberry Road, 2,250 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).

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 project site is currently vacant with no improvements. No scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings were identified on or near the parcels. Marina Drive is designated as a Scenic Roadway in the Millerton Specific Plan and traverses approximately 2,250 feet north of the site, 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: NO IMPACT

The subject proposal would use tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) to irrigate the proposed spray field consisting of 77.96 acres of undeveloped land. Adjacent parcels to the east, west, and south are also vacant with no improvements, and the parcels to the north are developed with single-family dwellings. The adjoining parcel to the southwest is developed with the WWTF.

Management operations for the spray field involve mechanically maintaining grass or other vegetation growth on the property as a result of the spray field operation. The project will install certain main-lines (from the WWTF), pumps, irrigation equipment, controls, and water emitters to irrigate the land. Given these improvements will be subsurface or at grade level, the project will have no impact 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 project will not generate any new source of light or glare in the area.

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 subject proposal entails use of tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility (WWTF) to irrigate the proposed spray field consisting of 77.96 acres of land.

The 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.

The project site is located near 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 improvements in the area, grass or other vegetation growth on the property as a result of the spray will be mechanically maintained. To further minimize the impact, the project will subject to additional requirements as requested by the Applicant which will be included as Conditions of Approval, including a grading permit prior to operation; runoff retained on site and limited use of on-site equipment; spray field mechanically maintained for control of weed and fire hazard; 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.

The Fresno County Department of Agriculture reviewed the proposal and expressed no concerns with the project.

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 reviewed the proposal and expressed no concerns with the project. However, the Applicant will be required to contact the District's Small Business Assistance Office to identify District rules or regulations, or to obtain information about District permit requirements for the project.

- 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 WITH MITIGATION INCORPORATED

The 77.96-acre project site 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 BO 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 project) 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, an Incidental Take Permit (ITP) application for CTS, inclusive of measures to avoid, minimize, and mitigate impacts on CTS from Millerton New Town development projects, has been submitted by the Applicant to CDFW. As noted by the Applicant, a BO and ITP issued by CDFW and USFWS is forthcoming.

* **Mitigation Measure:**

1. *An Incidental Take Permit for California Tiger Salamander shall be acquired from the California Department of Fish and Wildlife prior to any ground disturbance on the project site.*

- 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 recently 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.

According to the Study, there are six sites within the entire Millerton New Town Plan area that appear to meet the eligibility criteria for listing in the National Register (NR) of historic places and the California Register of Historic Resources (CR) and only one site (FRE-2183) is located near the subject proposal. According to the MNTSPA, this site has four bedrock milling features with 22 mortar cups, 2 milling slicks and 11 cupules. MNTSPA requires that the site shall remain in open space. This requirement will be included as a mitigation measure.

* **Mitigation Measure:**

1. *The entire archeological site (FRE-2183) identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) prepared by Kristina Roper, dated April 21, 2014, shall remain in open space and undisturbed by any farming activities/improvements on the 77.96-acre project site.*

- 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 adherence to the above-noted 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

Any grading activities resultant of this proposal will have a less than significant impact on the loss of topsoil. Prior to any ground disturbance, a grading permit would be required from the Fresno County Department of Public Works and Planning.

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 project does not require construction of restroom facilities, and therefore is not subject to any septic or alternative disposal systems.

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 in the project analysis.

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; or
- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT

The project does not involve transport, use, disposal, release, or handling of hazardous materials, nor is it located within one quarter-mile of a school. Further, the project site is not a hazardous materials 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, 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 located within a State Responsibility Area (SRA). 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 WITH MITIGATION INCORPORATED

This proposal entails spray of up to an annual 200 acre-feet of tertiary-treated recycled water from the County Service Area (CSA) 34 New Town Wastewater Treatment Facility (WWTF) onto 77.96 acres of undeveloped land. Certain main-lines from the WWTF, pumps, irrigation equipment, and time-controlled and metered sprinkler devices will be installed to irrigate the land.

The California Regional Water Quality Control Board (RWQCB), Central Valley Region reviewed the proposal and stated that Fresno County Service Area No. 34 was issued a Master Reclamation Permit Order No. R5-2008-0128 on July 31, 2008 to manage the distribution of disinfected tertiary recycled water. According to RWQCB, the subject Order would allow the discharge associated with the subject application and requires that: 1) the Applicant shall submit and get approval from the State Water Resources Control Board (SWRCB), Department of Drinking Water of an updated Title 22 Engineering Report for the Production, Distribution, and Use of Recycled Water for the subject property; and 2) provide a copy of the Title 22 Report and SWRCB approval to RWQCB.

According to the State Water Resource Control Board (SWRCB), Department of Drinking Water (DDW), the Title 22 Engineering Report prepared by Bob Dawyot on behalf of Fresno County/FCSA 34-Millerton New Town has been received by SWRCB-DDW and is being reviewed for the proposal for orchard irrigation (which was submitted separately from the T22 ER for pasture irrigation). The use of the recycled water for pasture irrigation is an interim use until such time as the site is planted with a proposed pistachio orchard. T22 Water Recycling Criteria specifies the use of disinfected secondary-23 recycled water for irrigation of pasture for animals producing milk for human consumption. The level of treatment provided to the recycled water meets the

minimum of disinfected secondary-23, and therefore SWRCB- DDW approves the proposed use with the following mitigation measure:

* **Mitigation Measure:**

1. *As required by the State Water Resource Control Board, Department of Drinking Water, contamination of the water in the recycled water main shall be prevented by centering the recycled water pipe (assuming each pipe is at least 20' long) on the centerline of the main it is crossing under. This will locate joints as far from the crossing mains as possible.*

Staff notes that the use of the subject 77.96-acre undeveloped land noted above as a pasture for grazing of animals is no longer applicable to this proposal. Subsequent to the review of this application by the SWRCB-DDW, pasture operations have been removed by the Applicant. According to the Operational Statement provided by the Applicant on March 8, 2016, the site will be maintained as a spray field for recycled water, and any grass or other vegetation growth on the property as a result of the spray will be mechanically maintained. With this change, the project will have a lesser impact on livestock than the proposed pasture.

The Fresno County Department of Public Health, Environmental Health Division, also reviewed the proposal and requires that: 1) in an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; and 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.

No concerns related to this proposal were expressed by Resources Division of the Fresno County Department of Public Works and Planning.

- 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 proposed 77.96 acres of undeveloped land. 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 water-related concerns with the project.

- 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:

There are no existing natural drainage channels adjacent or running through the property. According to the Applicant, the recycled water will be used to irrigate the proposed spray field area at agronomic rates so that surface water runoff will not occur. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, a grading permit would be required for the subject proposal.

- 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 1035H, the subject parcels are not subject to flooding from the one-percent (1%)-chance storm.

- 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 project would use tertiary-treated recycled water from the County Service Area (CSA) 34 Wastewater Treatment Facility to irrigate the proposed spray field consisting of 77.96 acres of undeveloped land by utilizing time-controlled and metered sprinkler devices. The parcels are designated Open Space and Medium Low Density 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 related to Agricultural Land Conservation Contract (ALCC) or General Plan policies.

- 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 project 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.

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

No such impacts were identified in the project analysis.

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 with the project.

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 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

The project will not conflict with any adopted transportation plans or policies.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT

The project is not subject to any septic or alternative sewage disposal systems.

- 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. The project is not subject to any septic or alternative sewage disposal systems.

- 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

The project is not subject to any septic or alternative sewage disposal systems.

- 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 impact on sensitive Biological resources and Cultural resources will be mitigated to a less than significant level with the included Mitigation Measures in Section II. A. B. C. D. and Section IV. A. B 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 biological resources, cultural resources, hydrology and water quality, which will be addressed with the Mitigation Measures discussed in Section IV. A. B., Section V. A. B. C. D. and Section IX. A.

- 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. 6988 prepared for Unclassified Conditional Use Permit Application No. 3503, 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 aesthetics, 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 agricultural and forestry resources, air quality, geology and soils, and utilities and service systems have been determined to be less than significant.

Potential impacts related to biological resources, cultural resources, and hydrology and water quality have 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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