



## Inter Office Memo

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DATE: April 14, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12566 - INITIAL STUDY APPLICATION NO. 6988 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3503

APPLICANT: Bonadelle Neighborhoods

OWNER: JPJ, Inc.

REQUEST: 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).

### PLANNING COMMISSION ACTION:

At its hearing of April 14, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

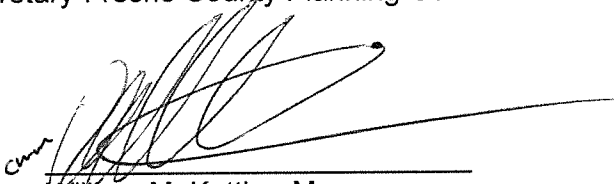
A motion was made by Commissioner Egan and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Application No. 3503, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12566

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Egan, Lawson, Abrahamian, Borba, Chatha, Eubanks, Mendes, Woolf
	No:	None
	Absent:	None
	Abstain:	None

BERNARD JIMENEZ, INTERIM DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
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William M. Kettler, Manager  
Development Services Division

WK:ksn  
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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 6988  
Unclassified Conditional Use Permit Application No. 3503

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 14, 2016, 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 project and offered the following information to clarify the intended use:
- The subject proposal is part of Millerton Specific Plan (MSP).
  - We are constructing additional homes within the MSP and need to dispose of wastewater from existing and future homes processed at the current Wastewater Treatment Facility.
  - The project site is ideal for wastewater disposal due to steep slopes, being isolated, and is not suited for home construction.
  - The wastewater will be sprayed on the ground in a manner that will not generate runoff.
  - The proposal will allow us to deplete the wastewater storage pond during the summer to permit winter storage.
  - The existing homes generate approximately 12 acre-feet of wastewater annually; upon full built-out, homes in the MSP will generate approximately 50 acre-feet of wastewater annually.
  - The wastewater storage ponds can hold a large amount of wastewater; all overflows are monitored closely.
  - We have an Incidental Take Permit (ITP) from California Fish and Wildlife for the entire MSP.
  - We will return to the Planning Commission at a later date with another land use application (rezoning) to allow for a pistachio orchard on the subject property.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**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 last	
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.**

- 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"> <li>• 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.</li> <li>• Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil.</li> <li>• Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.</li> </ul>
4.	<p>According to the California Regional Water Quality Control Board (RWQCB), Central Valley Region:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
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.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

May 26, 2016

Bonadelle Neighborhoods  
7030 N. Fruit Avenue #101  
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12566 - Initial Study Application No. 6988 and Unclassified  
Conditional Use Permit Application No. 3503

On April 14, 2016, the Fresno County Planning Commission approved your application with  
Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the  
Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a  
determination is made that substantial development has occurred. When circumstances  
beyond the control of the Applicant do not permit compliance with this time limit, the  
Commission may grant an extension not to exceed one additional year. Application for such  
extension must be filed with the Department of Public Works and Planning before the expiration  
of the Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at  
eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner  
Development Services Division

EJ:ksn  
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Enclosure