



Inter Office Memo

DATE: November 18, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12915 - INITIAL STUDY NO. 8020, UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO.3698

APPLICANT/
OWNER:

Millerton Investments/Assemi Group, Inc.

REQUEST:

Allow an inground effluent storage pond and related subterranean pipelines to provide tertiary-treated wastewater from an existing Wastewater Treatment facility. The pond will be located on a portion of an 87.9-acre parcel and a portion of a 19.8-acre parcel zoned R-1-B (c) (Single Family Residential, 12,500 square-foot minimum parcel size; Conditional) and R-E (Recreational).

LOCATION:

The project is located within Millerton Specific Plan boundary, approximately 1,335 feet south of Millerton Road, 1.6 miles west of Auberry Road, and 1.5 miles east of the unincorporated community of Friant (APN 300-542-03, 05, 13, 24T, 28T, 51) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of November 18, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Hill and seconded by Commissioner Carver to adopt the Mitigated Negative Declaration prepared for the project, determine the required Findings of Fact for the project can be made and approve Unclassified Conditional Use Permit No. 3698, subject to the Conditions listed in Exhibit B including an additional condition requiring avoidance of cultural resource sites on the property prior to construction.

RESOLUTION 12915

The motion passed on the following vote:

VOTING: Yes: Commissioners Hill, Carver, Abrahamian, Chatha, and Woolf


 No: None

 Absent: Commissioners Ede, and Eubanks

 Abstain: None

 Recused: Commissioner Ewell

STEVEN E. WHITE, DIRECTOR
 Department of Public Works and Planning
 Secretary-Fresno County Planning Commission

By:  _____
 William M. Kettler, Manager
 Development Services and Capital Projects Division

NOTES: 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 Conditional Use Permit.

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Attachments

EXHIBIT A

Initial Study No. 8020
Unclassified Conditional Use Permit Application No. 3698

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 18, 2021 and heard a summary presentation by staff.
- Applicant: The owner's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- We concur with staff's recommendations and accept all mitigation measures and conditions of approval for the project.
 - The proposed project is a critical piece of infrastructure in the Millerton Specific Plan (MSP) envisioned in the 1980s.
 - The project will store tertiary-treated water from the existing Wastewater Treatment Facility to be used to irrigate landscape areas, park, and school site within MSP.
 - Wastewater lines from the WWTF to the effluent storage pond will travel along street alignments; a master system is currently being designed.
 - We own the project site, will bear the cost of developing the project, and upon construction will deed it to CSA (County Service Area) 34.
 - Another Use Permit application will be forthcoming to the Commission; this application will identify the location of land the wastewater will be applied on.
 - The project can potentially infringe upon a couple of cultural resources sites in MSP. We have scheduled a meeting with Table Mountain Rancheria Tribal Government to identify those sites and adjust effluent storage pond boundary, if necessary.
- 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.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 8020
Unclassified Conditional Use Permit Application No. 3698**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*2.	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 shall 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 shall 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 (PWP)	As noted
*3.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction	Applicant	Applicant/PWP	As noted
Conditions of Approval					
1.	Development and operation of the use shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
3.	Per the Central Valley Regional Water Quality Control Board (RWQCB) Order R5-2008-0127, all tertiary treated effluent shall be stored in lined effluent storage ponds with a permeability less than 10 ⁻⁷ cm/sec. Prior to issuance of building permit, the applicant shall submit a Construction Quality Assurance Plan and Design Report to the RWQCB for the pond liner to ensure the pond is designed and constructed in a manner that prevents leakage.				
4.	All parking and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative to prevent the creation of dust.				
5.	Items 3, Item 4, and Item 5 of the "Project Notes" shall be completed prior to the issuance of building permit or granting of occupancy for the use.				

EXHIBIT B

6.	<p>Prior to ground disturbance and or the issuance of any permit (including grading permit) for the project by the County of Fresno, the project proponent and Table Mountain Rancheria representative(s) shall meet at the project site and verify WITHIN 7 CALENDAR DAYS OF PLANNING COMMISSION ACTION that the footprint of the Effluent Storage Pond will not impact the recorded tribal cultural sites "MNT 6" and / or "MNT 7". If, after verification in the field, it is determined by representatives from Table Mountain Rancheria and the project proponent that the design of the Effluent Pond will affect either or both of the aforementioned cultural sites, the project proponent will modify the design of the facility to avoid the potential impact. If Table Mountain Rancheria is unable to determine that the project will encroach into any of the recorded tribal cultural sites the project proponent shall hire an archeologist to visit the project site and verify that the proposed limits of work and ground disturbance will not impact any cultural artifacts or encroach into any known cultural sites. If impacts are not expected to occur, then the project proponent shall immediately move forward with the County Grading Permit process and construction of the facility. – Added by Planning Commission November 18, 2021</p>
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*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.

EXHIBIT B Page 2

Project Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.</p>
2.	<p>Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.</p>
3.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • A grading plan, improvement plan, permit, or voucher. • Filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board before the commencement of any construction activities disturbing 1.0 acre or more of area. • Copies of completed NOI and SWPPP to Development Engineering prior to any grading work.
4.	<p>To address public health impacts resulting from the project, the Resources Division of the Fresno County Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • All wastewater infrastructure required for the project shall be designed and constructed in accordance with the approved Infrastructure Plan. • The applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project.

Project Notes

	<ul style="list-style-type: none">• The plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval.• The applicant shall provide a one-year warranty for all improvements.• The applicant shall obtain all necessary local and state regulatory permits prior to the project operation.
5.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none">• Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5• The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.• To protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed.• If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be obtained.
6.	<p>An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way.</p>
7.	<p>To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888.</p>

EXHIBIT B Page 3

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