



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 July 20, 2017

**SUBJECT:** Initial Study Application No. 7240 and Classified Conditional Use Permit Application No. 3558

Allow expansion to an existing pistachio huller facility authorized by Conditional Use Permit No. 3417 to include expansion of hulling, drying and storage capabilities including pre-processing, seasoning and packaging operations. The use includes 54-foot-high storage silos on a 154.29-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project is located on the southeast corner of N. Jerrold Avenue and W. Shaw Avenue approximately five (5) miles southwest of the City of Firebaugh (4946 N. Jerrold Avenue, Firebaugh, CA) (SUP. DIST. 1) (APN 011-100-07S, -14S, -15S, -16S, -17S, -20S, -23S, and -24S).

**OWNER/  
APPLICANT:** Horizon Nut, LLC

**STAFF CONTACT:** Ejaz Ahmad, Planner  
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### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7240; and
- Approve Classified Conditional Use Permit (CUP) No. 3558 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
6. Floor Plans/Elevations
7. Applicant’s Operational Statement
8. Summary of Initial Study Application No. 7240
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	154.29 acres	No change
Project Site	A pistachio huller facility authorized by CUP No. 3417	Allow expansion to an existing pistachio huller facility to include expansion of hulling, drying and storage capabilities including pre-processing, seasoning and packaging operations. The use includes 54-foot-high storage silos on a 154.29-acre parcel in the AE-20 Zone District
Structural Improvements	Per approved CUP No. 3417	<ul style="list-style-type: none"> <li>• 13,400 square-foot addition to a 25,000 square-foot pre-cleaning/huller building approved by CUP No. 3417</li> <li>• 80,000 square-foot processing building</li> <li>• 40,320 square-foot by-product processing building</li> <li>• 7,200 square-foot office building</li> </ul>

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> <li>• 7,800 square-foot quality control (QC) microbial lab</li> <li>• 11,200 square-foot shelling facility/QC testing lab</li> <li>• 500 square-foot harvest entrance building</li> <li>• 19 silos</li> <li>• 9 column dryers in the huller building</li> <li>• one wet and one dry hulling line</li> <li>• one sample dryer</li> <li>• receiving pits, parking, loading docks, pre-cleaner and propane pads</li> </ul>
Nearest Residence	200 feet to the northwest	No change
Surrounding Development	Farmlands with single-family homes, greenhouse	No change
Operational Features	Pistachio huller facility authorized by CUP No. 3417	<ul style="list-style-type: none"> <li>• The proposed expansion to the existing facility will increase pistachio processing capacity from 15 million pounds per year to an additional 35 million pounds per year.</li> <li>• The facility will continue to receive pistachios from Horizon Nut, LLC member growers, and non-potable operational water from Westlands Water District.</li> <li>• The facility will require potable water through the approval of a surface-water treatment plant and distribution system by the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) once its population exceeds 24 persons for more than 60 days per year.</li> <li>• Additional processed wastewater resulting from the proposed expansion will continue to be applied onto adjacent 1,000-acre farmland owned by Horizon Nut, LLC.</li> </ul>

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> <li>The Applicant will modify the existing application filed with the Regional Water Quality Control Board (RWQCB) in December 2014 to allow the application of processed wastewater onto farmland per the approval of CUP No. 3417 a minimum of 140 days prior to hulling operation.</li> </ul>
Employees	8 year-round; 104 seasonal	Additional 88 year-round (total 96); additional 41 seasonal (total 145)
Customers	No customers	No change
Traffic Trips	<p>170 one-way truck trips (85 round trips) per day during peak season</p> <p>20 one-way truck trips (10 round trips) per day during off-peak season</p>	<p>Per the Traffic Impact Study (TIS):</p> <p>1,368 one-way daily trips (684 round trips) during peak 6-week season. This includes 712 one-way truck trips (356 round trips).</p> <p>736 one-way daily trips (368 round trips) during the two weeks preceding peak season. This includes 80 one-way truck trips (40 round trips).</p> <p>384 one-way daily trips (192 round trips) during remainder of the year. This includes 32 one-way truck trips (16 round trips).</p>
Lighting	Outdoor lighting around existing buildings/structures	No change
Hours of Operation	Per approved CUP No. 3417	<p>24 hours per day, 7 days per week</p> <ul style="list-style-type: none"> <li>7:00 a.m. to 3:30 p.m. – one shift per day, five days per week (non-peak operational hours)</li> <li>Two 12-hour shifts, seven days per week during harvest season (August through October)</li> </ul>

**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 below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 16, 2017

## **PUBLIC NOTICE:**

Notices were sent to five property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

## **PROCEDURAL CONSIDERATIONS:**

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

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

## **BACKGROUND INFORMATION:**

The subject proposal would allow expansion of an existing pistachio huller facility on a 154.29-acre parcel approved by Conditional Use Permit No. 3417 on October 24, 2013.

The proposed facility expansion includes expanding hulling, drying and storing capabilities from 15 million pounds per year to an additional 35 million pounds per year including addition of pre-processing, seasoning and packaging operations on a 154.29-acre parcel. The expansion would include a 13,400 square-foot addition to a 25,000 square-foot pre-cleaning/huller building approved by CUP No. 3417, 80,000 square-foot processing building, 40,320 square-foot by-product processing building, 7,200 square-foot office building, 7,800 square-foot quality control (QC) microbial lab, 11,200 square-foot shelling facility/QC testing lab, 500 square-foot harvest entrance building, 19 silos (each with two aeration fans), nine (9) column dryers in the huller building, one wet and one dry hulling line, and one sample dryer. Related improvements include receiving pits, parking, truck scale, loading docks, pre-cleaner and propane pads.

According to the Applicant's Operational Statement, the proposed expansion would continue to receive pistachios primarily from Horizon Nut, LLC's member growers. Freshly-harvested pistachios would continue to be trucked in during the harvest season for hulling and drying, then conveyed to the silos. Pre-processing operations, such as grading and sorting, fumigation and bulk packaging would be conducted year-round. The plant expansion would also include roasting, flavoring and various customer-oriented packaging options. Pistachios would be processed and package on site and then trucked out in tote bins, sacks and various packaging to distribution warehouses en route to customers. Additional processed wastewater resulting from the proposed expansion would continue to be applied onto adjacent farmland as originally approved by CUP No. 3417. The project proponent is currently in the process of obtaining a wastewater discharge permit from the Regional Water Quality Control Board.

The source of water supply to the facility will continue to be Westlands Water District, and potential increase in number of employees resulting from this proposal will require approval of a drinking water treatment and storage system by the State Water Resources Control Board, Division of Drinking Water. The facility is currently provided with bottled water for human consumption under an alternative Water Exclusion via Westlands Water District.

Since the release of the Initial Study (IS) for the project to public agencies, minor edits have been made to the document. These edits relate to asphalt concrete overlay work for Jerrold Avenue which provides primary access to the project site, and are noted in strikethroughs and bolds in the Traffic/Transportation Section of the Summary of Initial Study Application No. 7240 (Exhibit 8).

***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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Street Side: 35 feet Side: 20 feet Rear 20 feet	Front (west property line along Jerrold Avenue): 185 feet Side (north property line along Shaw Avenue): 69 feet Side (south property line): 1,154 feet Rear (east property line): 897 feet	Yes
Parking	One (1) off-street parking space for each two (2) permanent employees  One parking space for each company-owned truck  One (1) parking space for each company salesperson	116 parking spaces (minimum 51 required; 48 for permanent employees, three for company trucks, and none for company salespersons)	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six-foot minimum	More than six feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	100 percent	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change from CUP No. 3417. Westlands Water District will continue to provide non-potable water to the facility and a public water system for the supply of potable water is required by the State Water Resources Control Board, Division of Drinking Water	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Completion of a Site Plan Review (SPR) is recommended as a Condition of Approval.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Analysis:**

Staff review of the Site Plan demonstrates that the proposed improvements satisfy the minimum building setback requirements of the AE-20 Zone District. The improvements will be set back 185 feet from the west property line along Jerrold Avenue (35 feet required), 69 feet from the north property line along Shaw Avenue (35 feet required), 1,154 feet from the south property line (20 feet required) and 897 feet from the east property line (20 feet required). The subject property is adequate in size to accommodate all proposed buildings/structures and required on-site parking and circulation areas.

In regard to off-street parking, the Zoning Ordinance requires one parking space for each two permanent employees and one parking space for each company-owned truck. Likewise, the California Building Code requires one parking space for the physically handicapped per every 25 parking spaces. According to the Applicant's Operational Statement (Exhibit 7), the subject facility currently employs eight (8) year-round and 104 seasonal employees and as a result of the proposed facility expansion will add 88 year-round and 41 seasonal employees, bringing the total to 95 year-round and 145 seasonal employees. Additionally, the facility retains three (3) company-owned trucks. At least 48 standard parking spaces for full-time employees, including two parking spaces for the physically handicapped and three (3) truck parking spaces, are required for the operation. The proposal for the facility has 116 parking spaces, including seven parking spaces for the physically handicapped, which meets the requirement.

Based on the Site Plan submitted and the parking information, staff has determined that the project site is adequate in size and shape to accommodate the improvements and the parking required of the proposal.

**Recommended Conditions of Approval:**

None

**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.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	Shaw, Ashlan, Douglas, Gettysburg and Newcomb Avenues are private roads and not County-maintained	No change
Public Road Frontage	Yes	Jerrold Avenue: Very poor condition	No change
Direct Access to Public Road	Yes	Jerrold Avenue	Jerrold and Shaw Avenues
Road ADT (Average Daily Traffic)		Jerrold Avenue: 200  Shaw, Ashlan, Douglas, Gettysburg and Newcomb Avenues: Unknown (private roads)	No change
Road Classification		Jerrold Avenue: Local road  Shaw, Ashlan, Douglas, Gettysburg and Newcomb Avenues: private roads, not County-maintained	No change
Road Width		Jerrold Avenue: 30 feet east of the section line  Shaw, Ashland, Douglas, Gettysburg and Newcomb Avenues: Unknown (private roads)	No change
Road Surface		Jerrold Avenue: Asphalt Concrete-Paved (pavement width: 20.5 feet)  Shaw, Ashlan, Douglas, Gettysburg and Newcomb	No change



	<b>Existing Conditions</b>	<b>Proposed Operation</b>
	Avenues: Unknown (private roads)	
Traffic Trips	<p>170 one-way truck trips (85 round trips) per day during peak season</p> <p>20 one-way truck trips (10 round trips) per day during off-peak season</p>	<p>Per the Traffic Impact Study (TIS):</p> <p>1,368 one-way daily trips (684 round trips) during peak 6-week season This includes 712 one-way truck trips (356 round trips).</p> <p>736 one-way daily trips (368 round trips) during the two weeks preceding peak season. This includes 80 one-way truck trips (40 round trips)</p> <p>384 one-way daily trips (192 round trips) during remainder of the year. This includes 32 one-way truck trips (16 round trips).</p>
Traffic Impact Study (TIS) Prepared	Per approved CUP No. 3417	Per the TIS prepared for the project and approved by the Design and Road Maintenance and Operations Divisions, construction of a Hot-Mix Asphalt (HMA) overlay on Jerrold Avenue is required from the project entrance to Bullard Avenue based on a Traffic Index (TI) of 9.0.
Road Improvements Required	Jerrold Avenue: Very poor condition	Same as above

**Reviewing Agency/Department Comments:**

Design and Road Maintenance and Operations (RMO) Divisions of the Fresno County Department of Public Works and Planning: The Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Jerrold Avenue from Bullard Avenue south to the project site entrance (approximately 1-3/16 miles) using their own contractor, with a thickness based on achieving an overall structural section to satisfy a Traffic Index (TI) of 9.0, and submit plans for the overlay work to the RMO for review and approval. This requirement has been included as a Mitigation Measure.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Jarrold Avenue is classified as a Local County-maintained road. The section of Jerrold Avenue from the Ashlan alignment to the Shaw alignment has an ADT of 200, pavement width of 20.5 feet and is in very poor condition. If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at any existing driveway.

The aforementioned requirements have been included as Project Notes.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Analysis:**

The main access to the project site will continue to be from Jerrold Avenue. However, a secondary access will be added off Shaw Avenue to facilitate traffic circulation during harvest. Jerrold Avenue is classified as a Local road in the Transportation Element of the County General Plan.

According to County records, this section of Jerrold Avenue has an Average Daily Traffic (ADT) count of 200, a pavement width of 20.5 feet and is in a very poor condition. Per the recommendation of the Traffic Impact Study (TIS) prepared for the project and accepted by the Design and Road Maintenance and Operations (RMO) Divisions of the Fresno County Department of Public Works and Planning, the project proponent will be required to construct an overlay on Jerrold Avenue from Bullard Avenue to past the project site entrance, submit plans for the approval of overlay work, and obtain an encroachment permit from the RMO prior to commencing the work.

Based on the above information and with adherence to the Mitigation Measure requiring road improvement, staff believes that Jerrold Avenue can accommodate the traffic generated by the proposal.

**Recommended Conditions of Approval:**

*See Conditions of Approval attached as Exhibit 1.*

**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*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	121 acres	Farmland (field crops; 3 residential dwellings)	AE-20	200 feet northwest
South	39 acres 253 acres	Farmland (field crops; orchard)	AE-20	None
East	163 acres	Farmland (field crops; orchard)	AE-20	None

Surrounding Parcels				
West	80 acres 240 acres	Farmland (field crops; residential)	AE-20	4,000 feet

**Reviewing Agency/Department Comments:**

The Fresno County Agricultural Commissioner’s Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development. This requirement has been included as a Condition of Approval.

San Joaquin Valley Air Pollution Control District (Air District): This proposal may be subject to the following District rules: An Authority to Construct (ATC) and Permit to Operate (PTO); District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional run-off generated by the proposed development cannot be drained across property lines and must be retained or disposed of per County Standards. A Grading Permit or Voucher may be required for any grading proposed with this application.

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to 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. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Westlands Water District (WWD): The existing pistachio huller facility receives water through the District’s Municipal and Industrial (M&I) supply. The regulations governing the use of M&I water stipulates up to five (5) acre-feet annually be made available to a water user from the District’s Central Valley Project (CVP) contract supply for agriculture-related development. The Applicant shall contact the District for any additional water needed for the project. The District and the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) has entered into a Compliance Agreement that restricts the District’s ability to provide M&I service to non-resident facilities that do not have the SWRCB-DDW approved treatment system. The Applicant must request and receive an exemption from the SWRCB-DDW from the Compliance Agreement’s requirement that the property be connected to a public water system or domestic well. If granted, the Applicant shall: 1) post signs at all outlets where human contact may occur indicating that the water delivered by the District is non-potable; and 2) contract with the District to provide bottled water for consumption at the project site.

Resources Division of the Fresno County Department of Public Works and Planning: The project shall adhere to State regulations AB 341 - Mandatory Commercial Recycling Program (MCR) and AB 1826 – Mandatory Commercial Organic Recycling (MORe).

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections are required for the proposed improvements.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: The driveway shall be a minimum of 24 feet and a maximum of 35 feet in width. Any proposed gate that provides initial access to the project site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. A dust palliative shall be required on all parking and circulation areas. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Fresno County Fire Protection District (CalFire): The project shall comply with the California Code of Regulations Title 24 – Fire Code, require approval of County-approved site plans by the Fire District prior to issuance of building permits by the County, and annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW): The subject facility shall be classified as a non-transient non-community (NT/NC) public water system once the facility population exceeds 24 persons for more than 60 days per year which will require submittal of a technical report for the surface water treatment plant and distribution system to the SWRCB-DDW at least six months prior to initiating construction of the water system. The technical report shall be accompanied by a Technical, Managerial and Financial Capacity Assessment. The project shall demonstrate compliance with Senate Bill (SB) 1263 regarding the meeting of drinking water standards through a technical report.

Regional Water Quality Control Board (RWQCB) requires the following: 1) a revised Report of Waste Discharge, including a revised water balance to the Water Board prior to initiating discharges over that proposed in the original Report of Waste Discharge; 2) additional information on the proposed pre-processing and seasoning operation; and 3) the revised Report of Waste Discharge characterizing the quality of the wastewater generated from the pre-processing and seasoning operations, particularly for salts, including revision to the anti-degradation analysis to demonstrate that the proposed discharge will not degrade groundwater quality or cause exceedances of water quality objectives.

The aforementioned requirements have been included as Project Notes.

Water/Geology/Natural Resources and Building Safety Sections of the Fresno County Department of Public Works and Planning; Table Mountain Rancheria, Tribal Government Office: No concerns with the proposal.

### **Analysis:**

The project site is developed with improvements related to an existing pistachio huller facility. The subject proposal would allow expansion of the existing facility by expanding hulling, drying and storing capabilities, and by adding pre-processing, seasoning and packaging operations on a 154.29-acre parcel. The expansion would include a 13,400 square-foot addition to a previously approved 25,000 square-foot pre-cleaning/huller canopy, 80,000 square-foot processing building, 40,320 square-foot by-product processing building, 7,200 square-foot office building, 7,800 square-foot quality control (QC) microbial lab, 11,200 square-foot shelling facility/QC testing lab, 500 square-foot harvest entrance building, nineteen (19) silos (each with two aeration fans), nine (9) column dryers in the huller building, one wet and one dry hulling line, and one sample dryer. Related improvements include receiving pits, parking, truck scale, loading docks, pre-cleaner and propane pads.

The project area is dominated by agricultural fields with sparse single-family residential developments. The nearest single-family residence is located approximately 200 feet to the northwest, and a greenhouse is located 180 feet to the north of the project site. Improvements related to the proposed expansion would not significantly change the visual appearance of the project area in that they will be similar in design, material and height (maximum 35 feet for buildings and 54 feet for storage silos) to the existing improvements on the property and be located a minimum of 200 feet from the nearest improvements in the vicinity. The proposal will have a less than significant visual impact on the surrounding land uses.

An Initial Study prepared for the project has identified potential impact to aesthetics, cultural resources, hydrology and water quality, and transportation/traffic. To mitigate aesthetic impact, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. To mitigate cultural resources, any cultural resources or human remains discovered during ground-disturbance activities will require all work to be stopped and findings to be evaluated by an archeologist. To mitigate hydrology and water quality impact, a surface-water treatment plant and distribution system will require State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) review and approval once the facility population exceeds 24 persons for more than 60 days per year. To mitigate transportation/traffic impact, an asphalt overlay on Jerrold Avenue will be required from the project entrance to Bullard Avenue based on a TI (Traffic Index) of 9.0. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, public services, and utilities and service systems are considered to be less than significant. The project will comply with the San Joaquin Valley Air Pollution Control District rules and regulations relating to air quality; require additional runoff generated by the proposed development to be retained or disposed of per County Standards; obtain a Grading Permit/Voucher; submit a Hazardous Materials Business Plan and handle hazardous materials and wastes according to the requirements set forth in the California Health and Safety Code; submit and obtain approval on a revised Report of Waste Discharge, including a revised water balance to the Regional Water Quality Control Board prior to initiating processed wastewater discharges on farmlands over that proposed in the original Report of Waste Discharge for the facility; obtain the Fresno County Fire Protection District's approval on the Site Plan prior to occupancy; and shall adhere to State regulations related to the recycling of solid waste.

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 an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

*See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

*Finding 4: That the proposed development is consistent with the General Plan*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to surrounding agricultural area which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands are available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼-mile radius; d) Probable workforce located nearby or readily available.</p>	<p>With regard to Criteria “a”, this proposal entails expansion of an existing pistachio huller facility approved by CUP No. 3417 previously determined to be a compatible use to agriculture. With regard to Criteria “b”, the project site is classified as Farmland of Local Importance on the 2010 Fresno County Important Farmland Map and has been disturbed with improvements and activities related to the existing facility. With regard to Criteria “c”, the project is not located in a water-short area and will continue to utilize surface water provided by Westlands Water District (WWD). With regard to Criteria “d”, the nearby community of Firebaugh can provide a probable workforce.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>The proposed use is compatible with agricultural zoning and is an allowed use on land designated for agriculture with discretionary land use approval and adherence to the applicable General Plan Policies. The project site is a non-active farmland and has been improved with existing pistachio huller facility. Furthermore, the site is secured by a perimeter fencing which provides a buffer between the on-site improvements and the adjacent farmlands in cultivation.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project will continue to utilize non-potable water provided to the existing facility by Westlands Water District. Potable water will be provided with the approval of a surface-water treatment plant and distribution system by the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW). No concerns related to adequacy of water for the proposed facility expansion were expressed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.</p>
<p>General Plan Policy FP-D.6 requires that the County shall permit on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening groundwater quality or posing health hazards.</p>	<p>The proposed improvements will require on-site sewage disposal systems. No concerns related to such systems were expressed by the Fresno County Department of Public Health, Environmental Health Division.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit provided that they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy PF-D.6 requires individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project.

**Analysis:**

As discussed above in General Plan Consistency/Considerations, the subject Use Permit application meets the intent of Policy LU-A.3. In regard to consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed use is compatible with agricultural zoning with discretionary land use approval, located on a pre-disturbed, non-active farmland, and separated from the adjacent farmland by an existing perimeter fencing. In regard to consistency with Policy PF-C.17, the project will not use groundwater and will continue to utilize surface water to the existing facility provided by WWD and utilize a potable water system to be approved by the SWRCB-DDW. In regard to consistency with Policy PF-D.6, the project will install on-site sewage disposal systems, as no community sewer system is available in the area.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit No. 3558, 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. 7240; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3558, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in 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 Classified Conditional Use Permit No. 3558; 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.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3558\SR\CUP3558 SR.docx



**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7240/Classified Conditional Use Permit Application No. 3558  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1*	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
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 should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
3*	Hydrology and Water Quality	A drinking water treatment and storage system is required and a water system application shall be submitted to the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) prior to an employee increase at the facility that would exceed the alternative water exclusion criteria.	Applicant	Applicant/ State Water Resources Control Board, Division of Drinking Water	As noted
4*	Transportation/Traffic	To address project-related impacts to Jerrold Avenue and per the conclusions of the Traffic Impact Study prepared for the project by KD Anderson & Associates, Inc., dated March 23, 2017, the Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Jerrold Avenue from Bullard Avenue south to the project site entrance (approximately 1-3/16 miles) using their own contractor, with a thickness based on achieving an overall structural section to satisfy a Traffic Index (TI) of 9.0, and submit plans for the overlay work to the Road Maintenance and Operations	Applicant	Applicant/PW&P	As noted

		Division of the Fresno County Department of Public Works and Planning for review and approval.			
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.				
2.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.				
3.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.				

\*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.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections are required for the proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	An Encroachment Permit is required from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning prior to performing asphalt overlay work on Jerrold Avenue.
4.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards.</li> <li>• A Grading Permit or Voucher may be required for any grading proposed with this application.</li> <li>• If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at any existing driveway.</li> </ul>
5.	Per the Site Plan Review Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• The driveway shall be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division.</li> <li>• Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</li> <li>• A dust palliative shall be required on all parking and circulation areas.</li> <li>• All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> </ul>

Notes	
6.	Per the Resources Division of the Fresno County Department of Public Works and Planning, the project shall adhere to State regulations AB341 - Mandatory Commercial Recycling Program (MCR) and AB 1826 – Mandatory Commercial Organic Recycling (MORe).
7.	Per the Fresno County Department of Public Health, Environmental Health Division (Health Department): <ul style="list-style-type: none"> <li>• Facilities proposing to 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.</li> <li>• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.</li> <li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li> </ul>
8.	Per the San Joaquin Valley Air Pollution Control District (Air District), the project shall comply with the following: <ul style="list-style-type: none"> <li>• The project proponent shall contact the Air District's Small Business Assistance office for the filing of an Authority to Construct (ATC) and to obtain a Permit to Operate (PTO) .</li> <li>• District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.</li> </ul>
9.	The existing pistachio huller facility receives water through Westlands Water District's (WWD) Municipal and Industrial (M&I) supply. The regulations governing the use of M&I water stipulates up to five (5) acre-feet annually be made available to a water user from the District's Central Valley Project (CVP) contract supply for agriculture-related development. The Applicant shall contact the District for any additional water needed for the project. The District and the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) has entered into a Compliance Agreement that restricts the District's ability to provide M&I service to non-resident facilities that do not have the SWRCB-DDW approved treatment system. The Applicant must request and receive an exemption from the SWRCB-DDW from the Compliance Agreement's requirement that the property be connected to a Public Water System or Domestic well. If granted, the Applicant shall: <ul style="list-style-type: none"> <li>• Post signs at all outlets where human contact may occur, indicating that the water delivered by the District is non-potable.</li> <li>• Contract with the District to provide bottled water for consumption at the project site.</li> </ul>
10.	The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project shall also annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
11.	The facility shall be classified as a non-transient non-community (NT/NC) public water system once the facility population exceeds 24 persons for more than 60 days per year, which will require submittal of a technical report for the surface water treatment plant and distribution system to the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) at least six months prior to initiating construction of the water system. The technical report shall be accompanied by a Technical, Managerial and Financial

Notes	
	Capacity Assessment, and the project shall demonstrate compliance with Senate Bill (AB) 1263 regarding the meeting of drinking water standards through a technical report.
12.	<p>Per the Regional Water Quality Control Board (RWQCB), the Applicant shall comply with the following requirements:</p> <ul style="list-style-type: none"> <li>• Provide a revised Report of Waste Discharge, including a revised water balance, to the Water Board prior to initiating discharges over that proposed in the original Report of Waste Discharge.</li> <li>• Provide additional information on the proposed pre-processing and seasoning operation.</li> <li>• The revised Report of Waste Discharge shall characterize the quality of the wastewater generated from the pre-processing and seasoning operations, particularly for salts, and revise the anti-degradation analysis to demonstrate that the proposed discharge will not degrade groundwater quality or cause exceedances of water quality objectives.</li> </ul>

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3558\SR\CUP3558 MMRP (Ex 1).docx

# LOCATION MAP

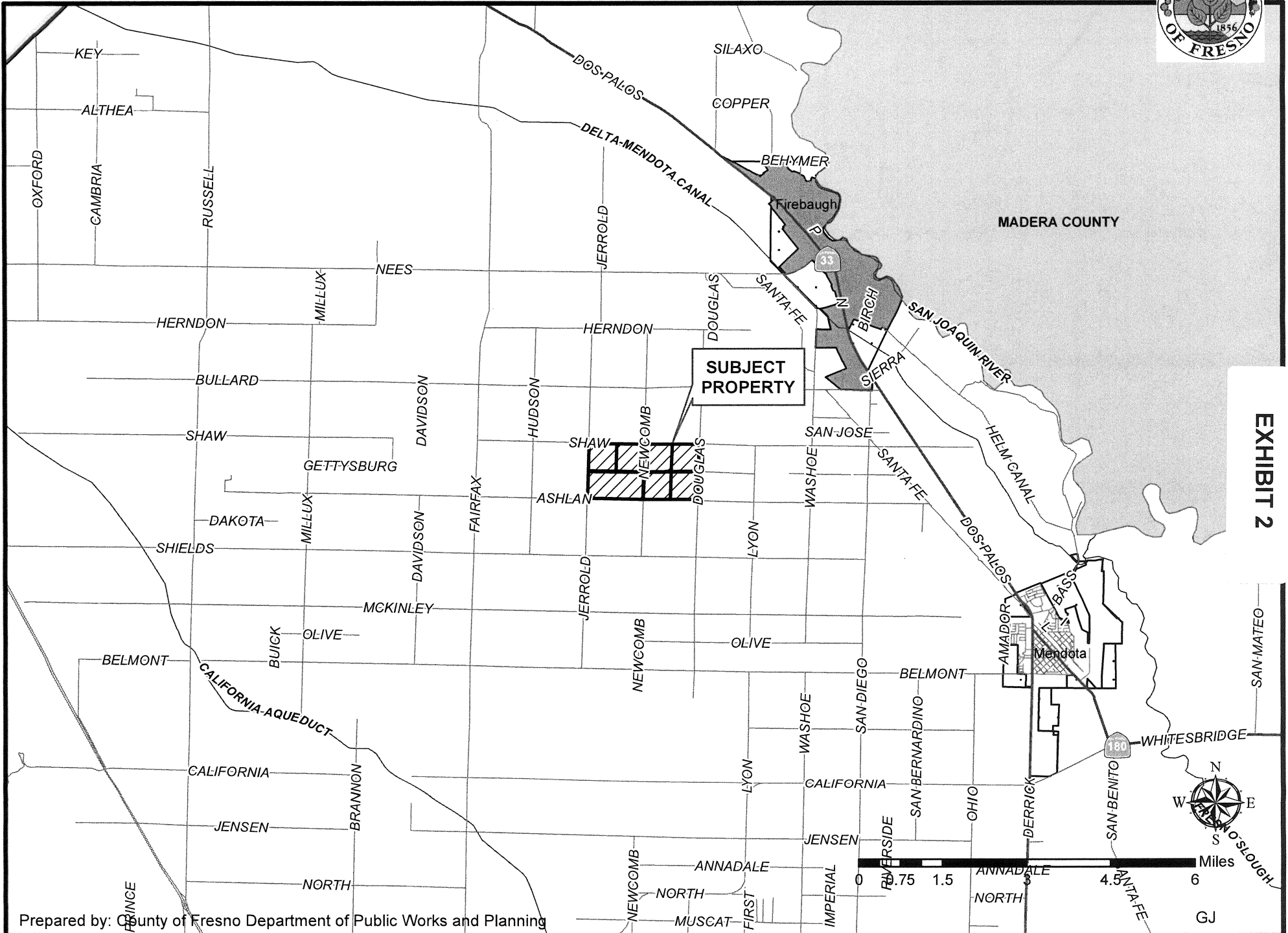


EXHIBIT 2

# EXISTING ZONING MAP

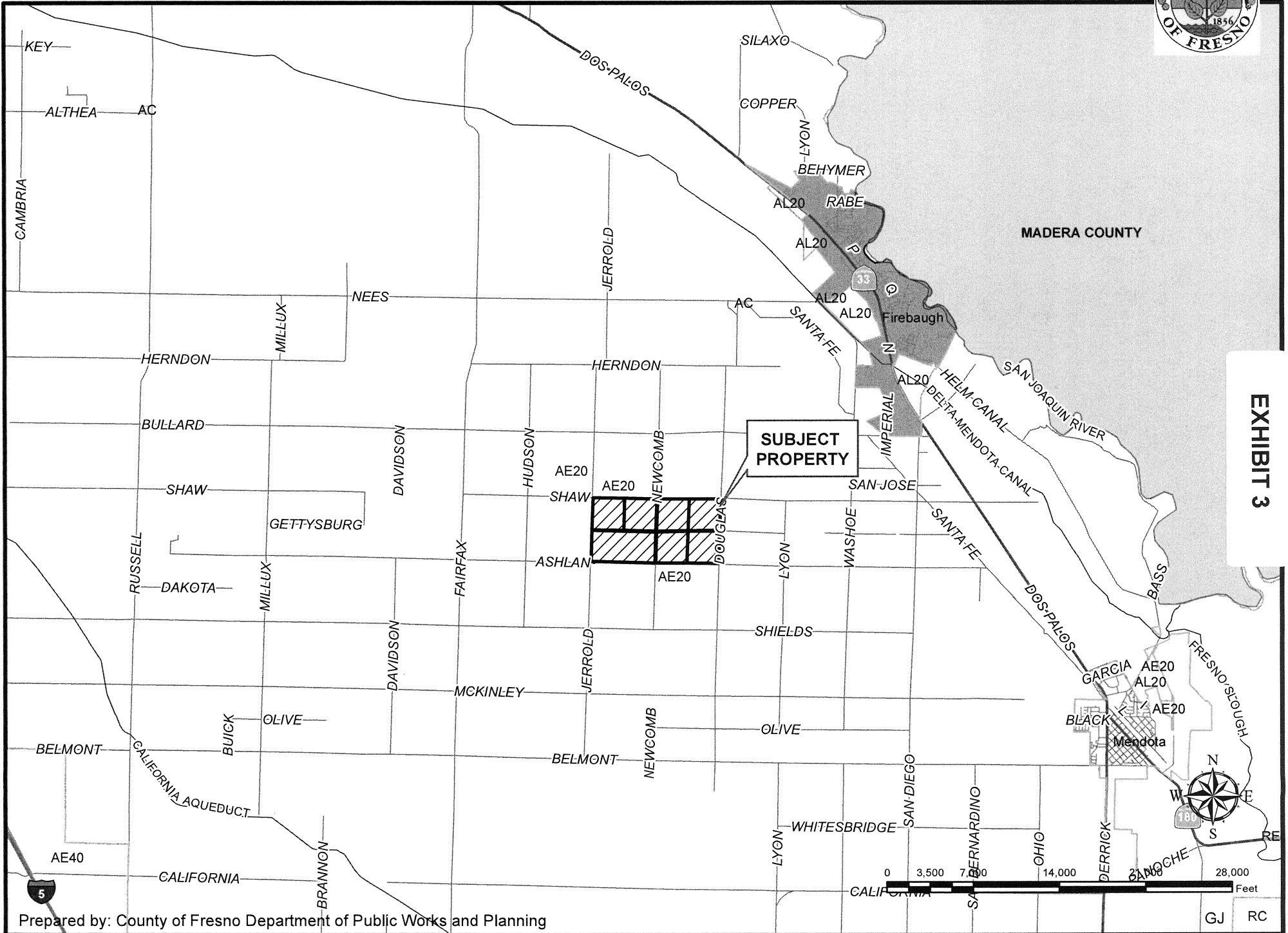
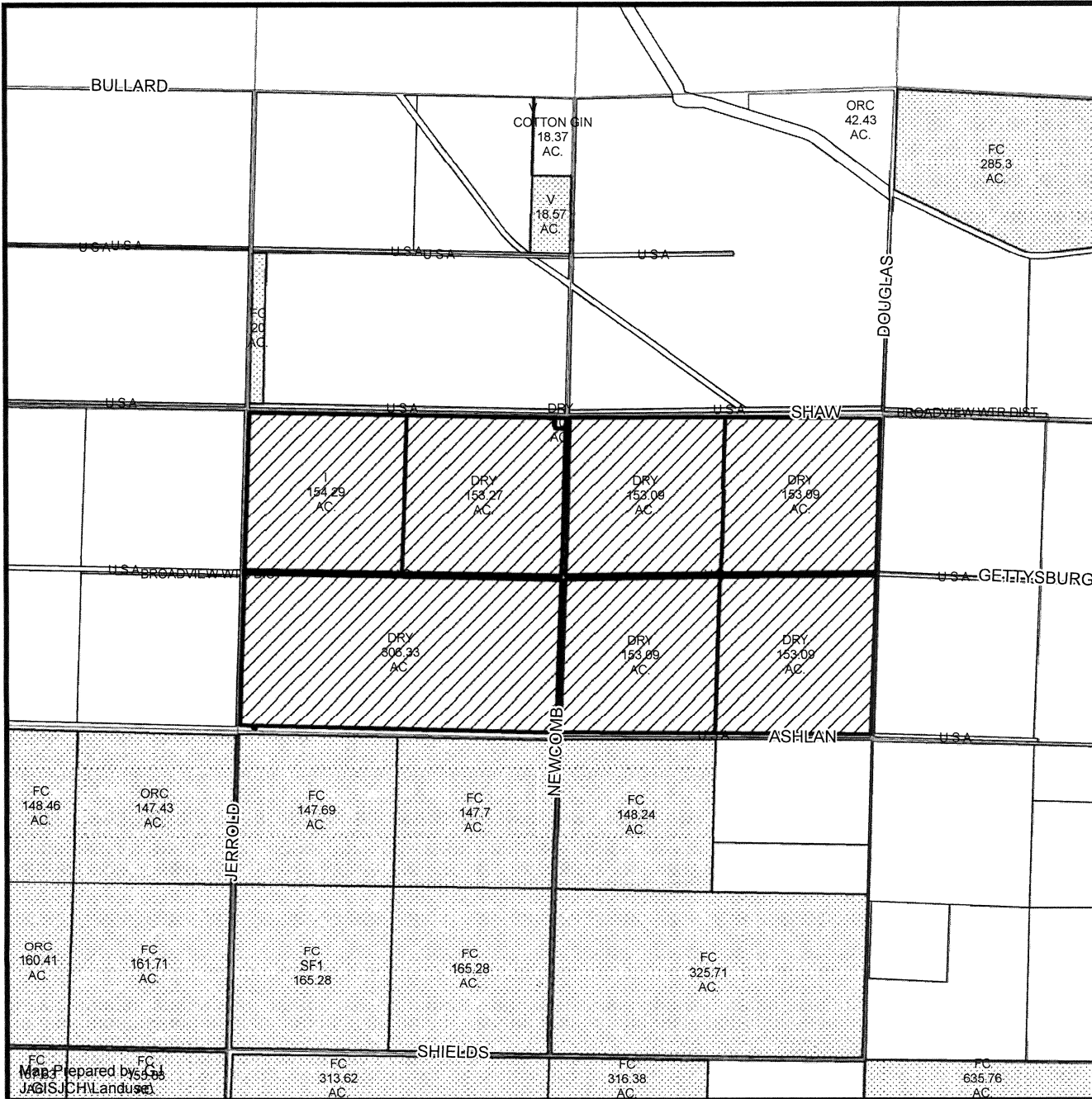


EXHIBIT 3

CUP 3558

# EXISTING LAND USE MAP



LEGEND	
SF#	SINGLE FAMILY RESIDENCE
DRY	DRY FARMING
FC	FIELD CROP
I	INDUSTRIAL
ORC	ORCHARD
V	VACANT

### LEGEND:



-  Subject Property
-  Ag Contract Land

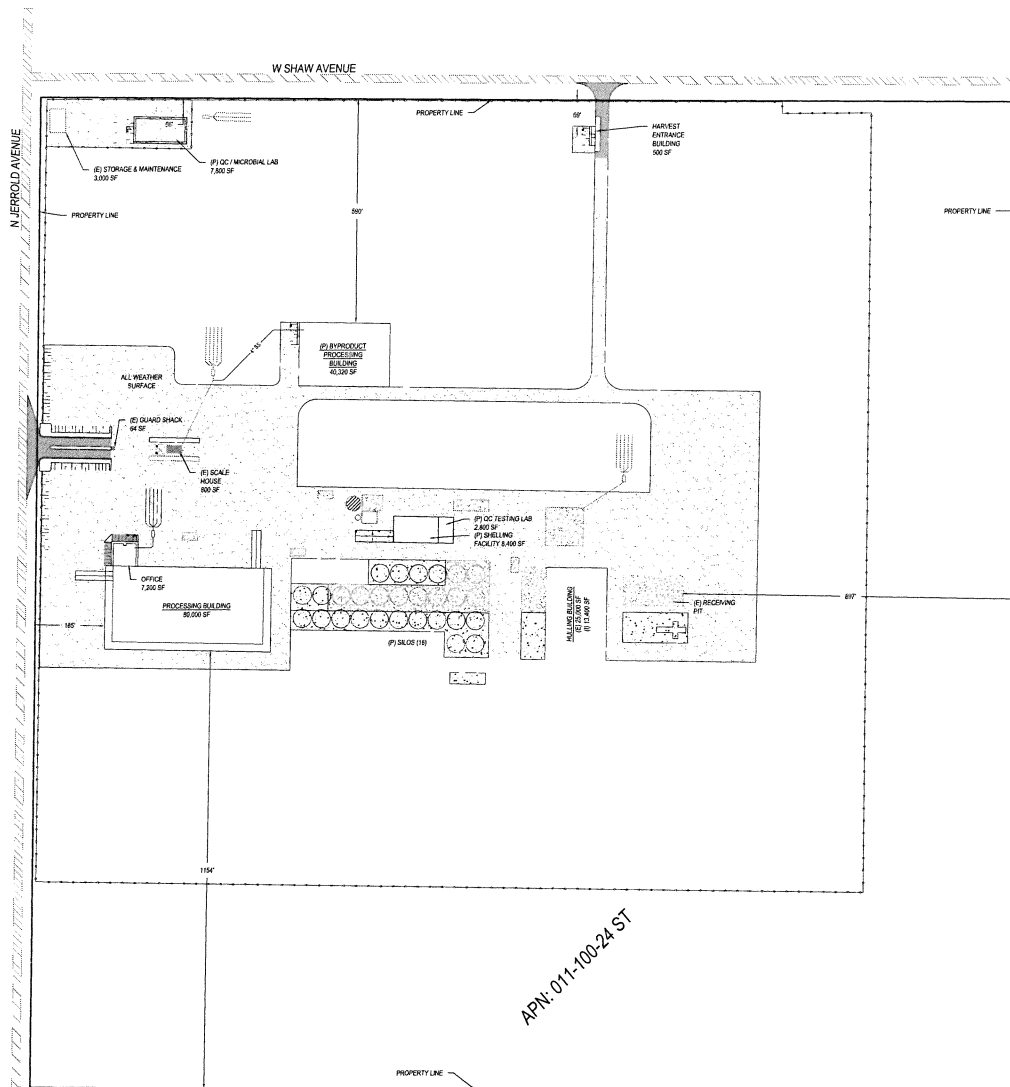
EXHIBIT 4



0 625 1,250 2,500 3,750 5,000 Feet

Department of Public Works and Planning  
Development Services Division

Map Prepared by  
JGIS/CH/Landuse



**SITE PLAN**

APN: 011-100-24 ST

**HORIZON NUT LLC  
FIREBAUGH PISTACHIO FACILITY  
SITE PLAN**

PREPARED FOR: HORIZON NUT, LLC  
26487 N. Highway 99  
Tulare, CA 93274

PREPARED BY: 4 CRENS, INC.  
334 S SANTA FE ST, SUITE A  
VISALIA, CA 93292

**SITE DATA:**

APN:	011-100-24ST
AREA:	154.29 AC. ±
ZONING:	AE20
USE:	AG-INDUSTRIAL
SEWER SERVICE:	PRIVATE
WATER SERVICE:	PRIVATE
STORM SERVICE:	PRIVATE
GAS SERVICE:	SO.CAL.GAS
ELEC. SERVICE:	PG&E
REFUSE SERVICE:	PRIVATE
TELEPHONE:	ATT
FLOOD ZONE:	X

**PARKING:**

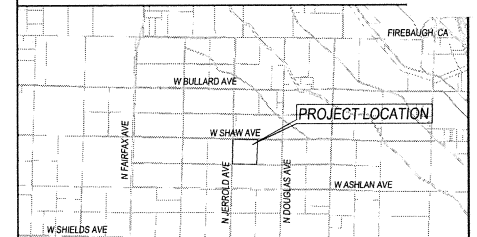
PROPOSED REGULAR STALLS:	109 STALLS
ACCESSIBLE PARKING SPACES	
PROPOSED STALLS:	7 STALLS
TOTAL:	116 STALLS

**LEGEND**

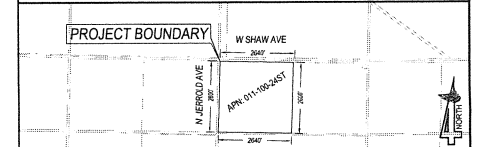
P	PROPOSED		EXISTING ASPHALT PAVEM
E	EXISTING		PROPOSED ASPHALT PAVEM
F	FUTURE		PROPOSED ALL WEATHER S
I	INCLUDED IN		PROPOSED CONCRETE
	PROPOSED CUP		EXISTING CONCRETE

**NOTE:**

ALL PARKING LAYOUTS ARE TO COMPLY WITH FRESNO COUN STANDARDS AND ADA STANDARDS

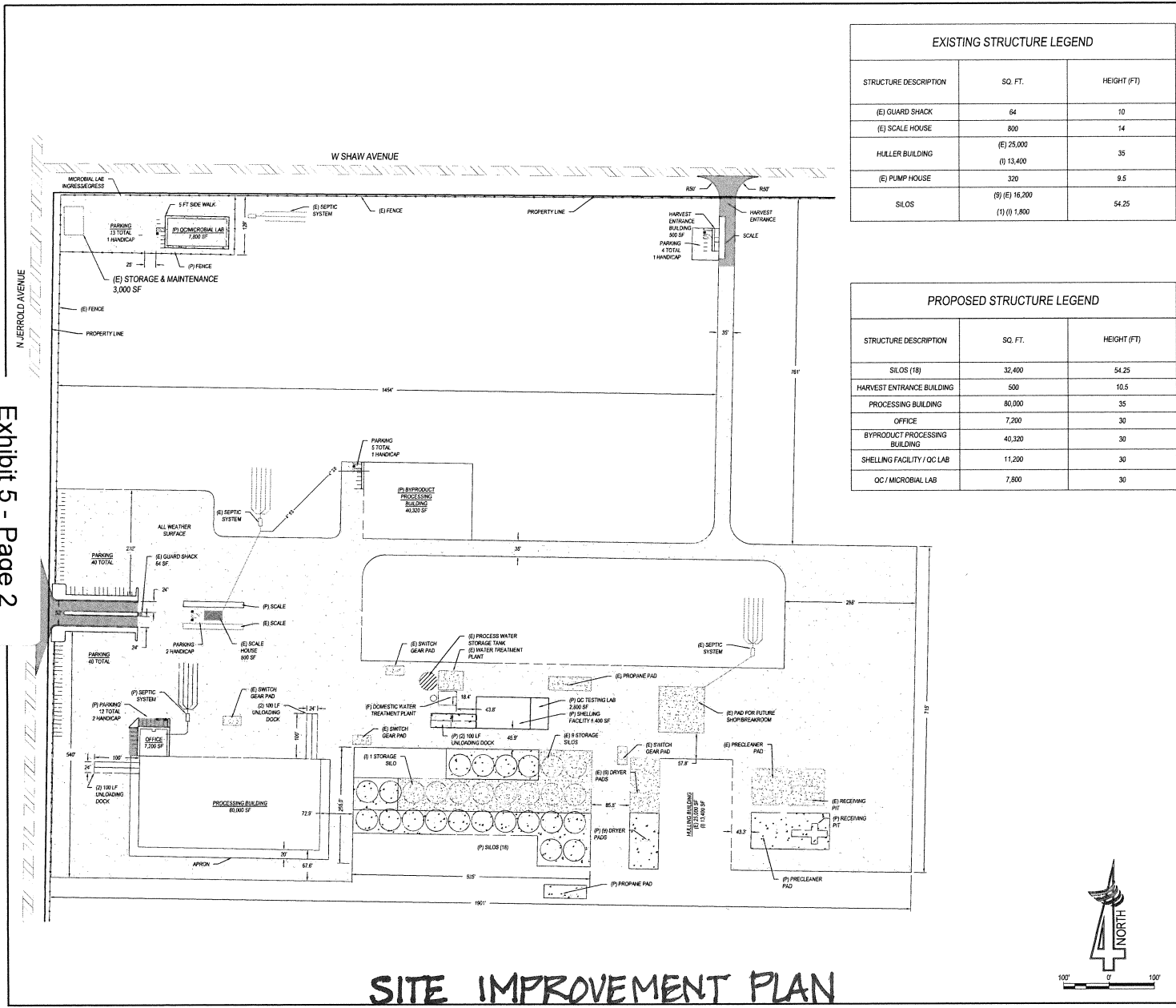


VICINITY MAP 1" = 6,000'



VICINITY MAP 1" = 2,000'





# SITE IMPROVEMENT PLAN

EXISTING STRUCTURE LEGEND		
STRUCTURE DESCRIPTION	SQ. FT.	HEIGHT (FT)
(E) GUARD SHACK	64	10
(E) SCALE HOUSE	800	14
HULLER BUILDING	(E) 25,000 (I) 13,400	35
(E) PUMP HOUSE	320	9.5
SILOS	(9) (E) 16,200 (1) (I) 1,800	54.25

PROPOSED STRUCTURE LEGEND		
STRUCTURE DESCRIPTION	SQ. FT.	HEIGHT (FT)
SILOS (18)	32,400	54.25
HARVEST ENTRANCE BUILDING	500	10.5
PROCESSING BUILDING	80,000	35
OFFICE	7,200	30
BYPRODUCT PROCESSING BUILDING	40,320	30
SHELLING FACILITY / QC LAB	11,200	30
QC / MICROBIAL LAB	7,800	30

## HORIZON NUT LLC FIREBAUGH PISTACHIO FACILITY SITE IMPROVEMENT PLAN

PREPARED FOR: HORIZON NUT, LLC  
36487 N. Highway 99  
Turlock, CA 95274

PREPARED BY: 4 CREEKS, INC.  
334 S SANTA FE ST, SUITE A  
VISALIA, CA 93282

**SITE DATA:**

APN: 011-100-24ST  
AREA: 154.29 AC. ±  
ZONING: AE20  
USE: AG-INDUSTRIAL  
SEWER SERVICE: PRIVATE  
WATER SERVICE: PRIVATE  
STORM SERVICE: PRIVATE  
GAS SERVICE: SO. CAL. GAS  
ELEC. SERVICE: PG&E  
REFUSE SERVICE: PRIVATE  
TELEPHONE: ATT  
FLOOD ZONE: X

**PARKING:**

PROPOSED STALLS: 109 STALLS  
ACCESSIBLE PARKING SPACES: 7 STALLS  
PROPOSED STALLS: 7 STALLS  
TOTAL: 116 STALLS

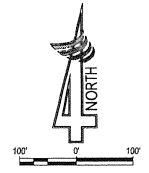
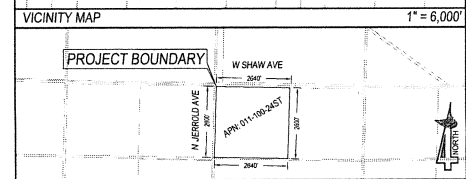
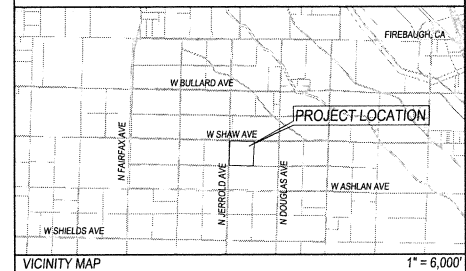
**LEGEND**

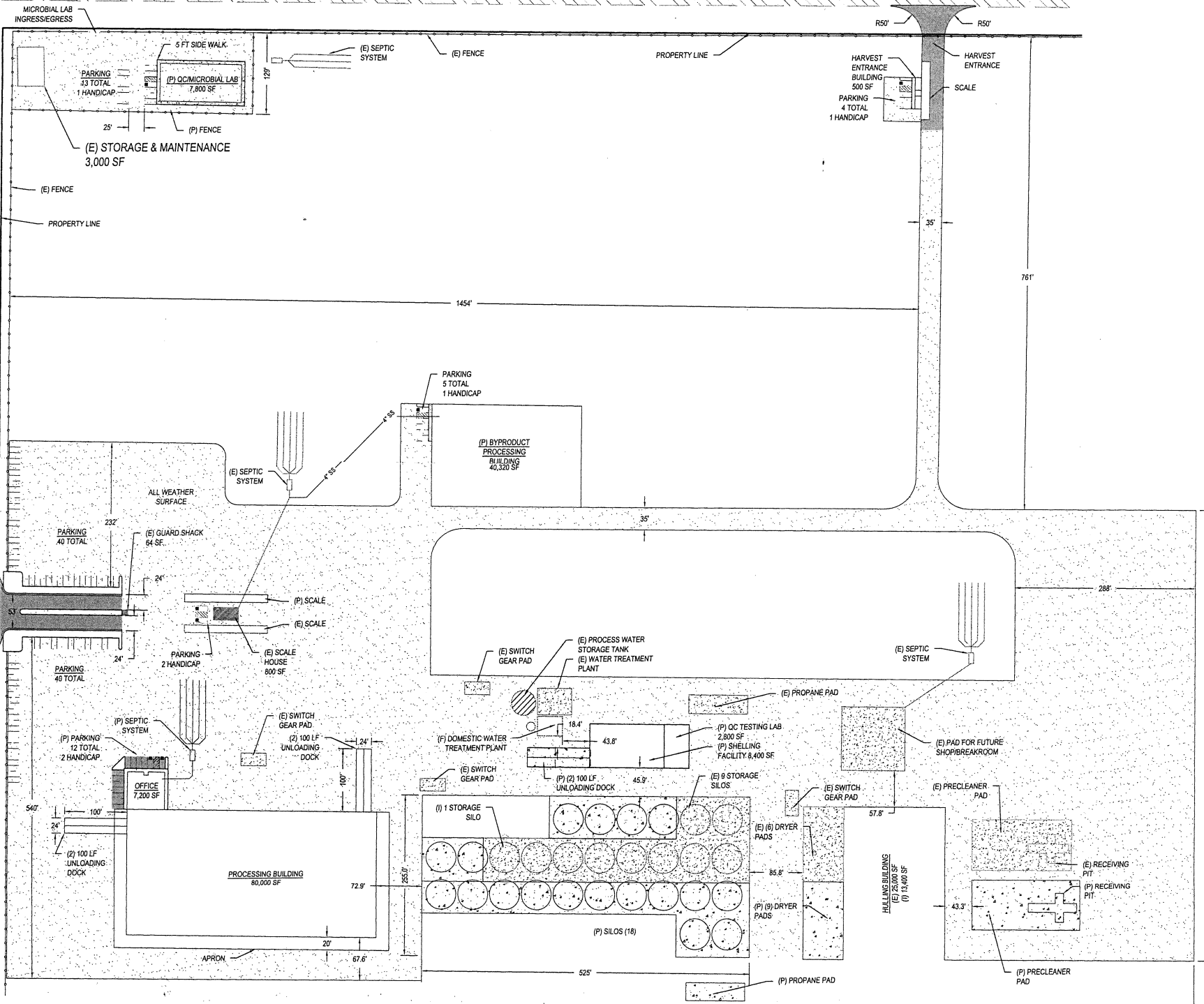
P PROPOSED  
E EXISTING  
F FUTURE  
I INCLUDED IN PROPOSED CUP

EXISTING ASPHALT PAVEMENT  
PROPOSED ASPHALT PAVEMENT  
PROPOSED ALL WEATHER SURFACE  
PROPOSED CONCRETE  
EXISTING CONCRETE

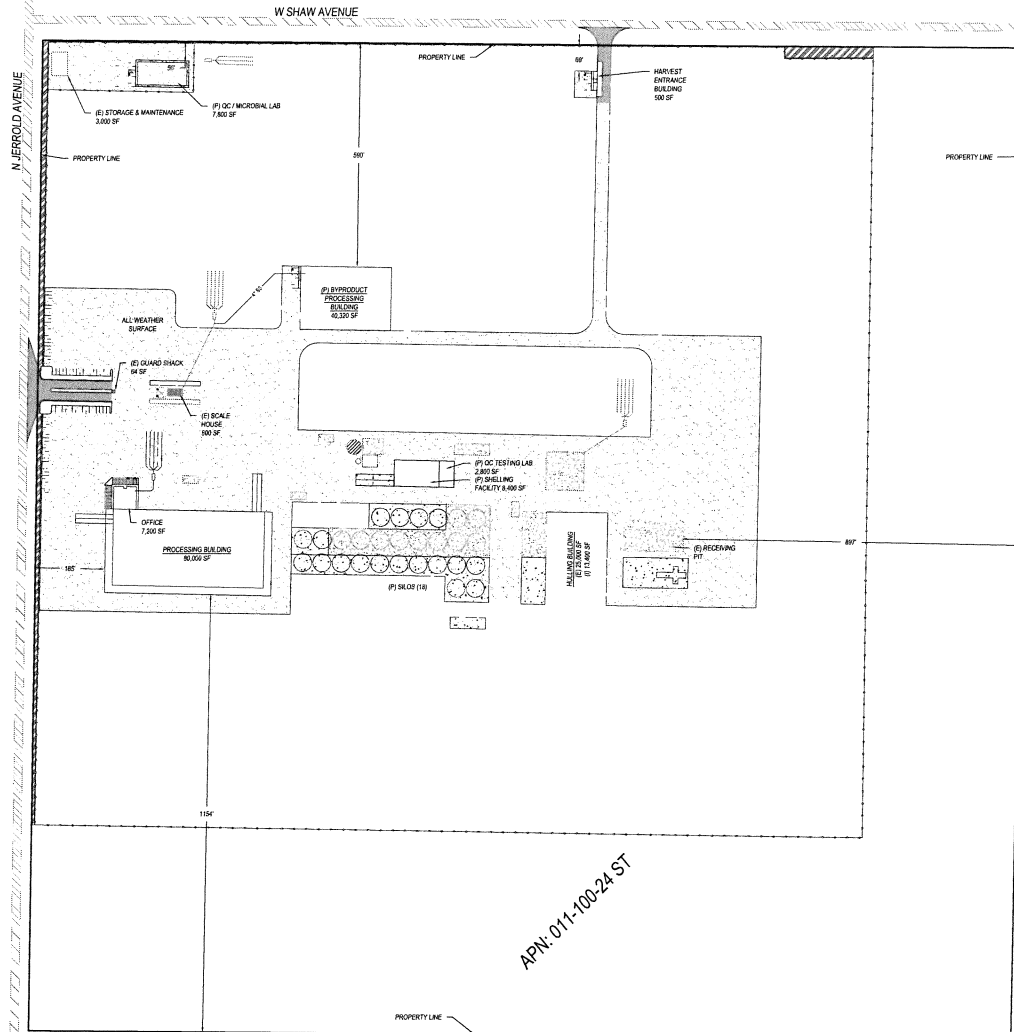
**NOTE:**

ALL PARKING LAYOUTS ARE TO COMPLY WITH FRESNO COUNTY STANDARDS AND ADA STANDARDS



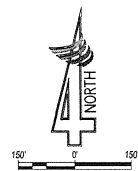


# SITE IMPROVEMENT PLAN (ENLARGED)



APN: 011-100-24 ST

# LANDSCAPE PLAN



## HORIZON NUT LLC FIREBAUGH PISTACHIO FACILITY LANDSCAPE PLAN

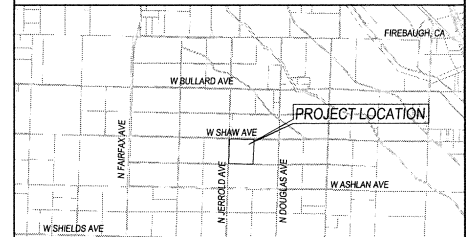
PREPARED FOR: HORIZON NUT, LLC  
26487 N. Highway 99  
Tulare, CA 93274

PREPARED BY: 4 CREEKS, INC.  
334 S. SANTA FE ST., SUITE A  
VISALIA, CA 93282

**LEGEND**

P	PROPOSED		EXISTING ASPHALT PAVEMENT
E	EXISTING		PROPOSED ASPHALT PAVEMENT
F	FUTURE		PROPOSED ALL WEATHER SURFACE
I	INCLUDED IN		PROPOSED CONCRETE
	PROPOSED CUP		EXISTING CONCRETE
			EXISTING LANDSCAPING

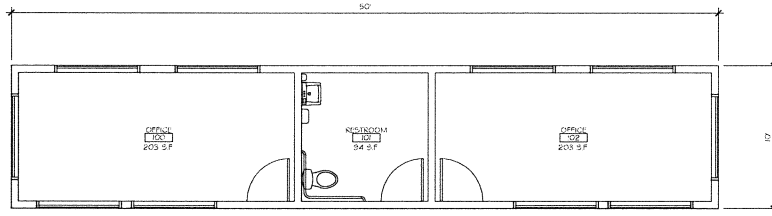
- LANDSCAPING NOTES:**
1. ALL LANDSCAPING AND IRRIGATION SHALL COMPLY WITH THE CALIFORNIA AND FRESNO COUNTY WATER CONSERVATION REQUIREMENTS.
  2. A FULL LANDSCAPE PLAN WILL BE SUBMITTED AT THE TIME A BUILDING PERMIT WILL BE APPLIED FOR.



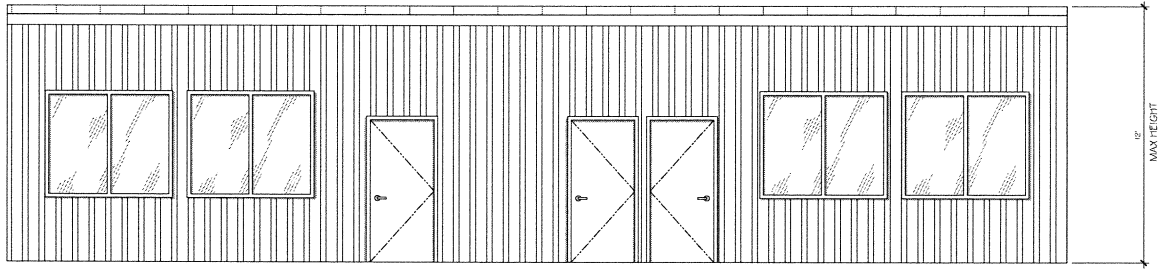
VICINITY MAP 1" = 6,000'



VICINITY MAP 1" = 2,000'  
DECEMBER 2016 SHEET 3 OF 3



1 FIRST FLOOR PLAN - SCALE HOUSE  
 SCALE: 1/4"=1'-0"  
 TOTAL SCALE HOUSE AREA = 500 SQ.FT.



2 ELEVATION - SCALE HOUSE  
 SCALE: 3/8"=1'-0"

SCALE HOUSE

REVISIONS	DATE	BY	DESCRIPTION

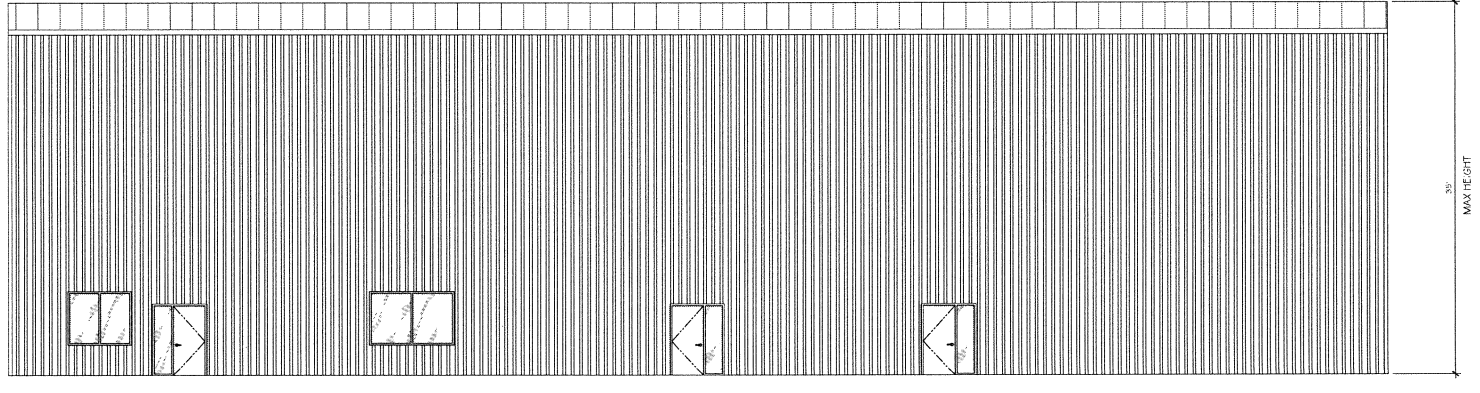
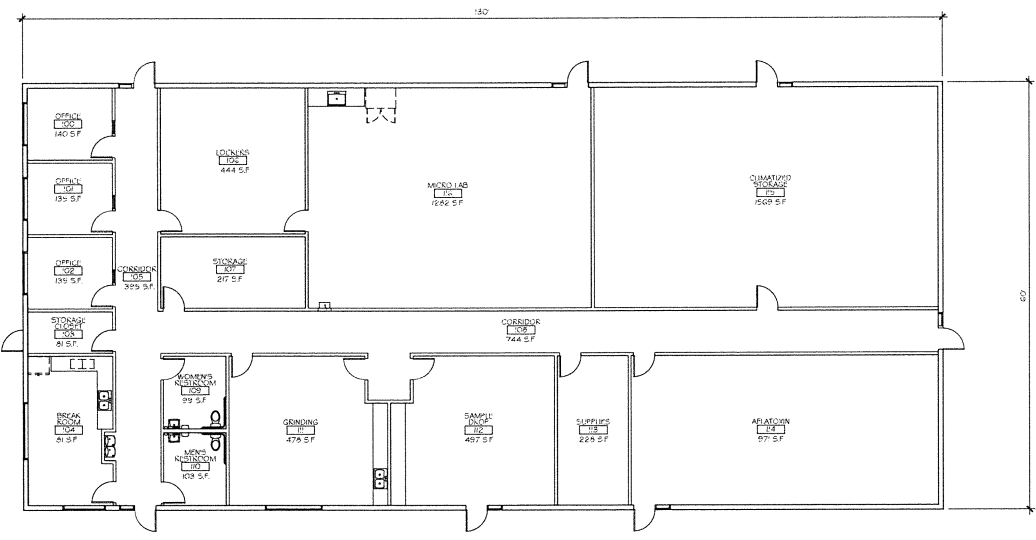
**EXHIBIT 6**

DESIGNED BY: [blank] DRAWN BY: [blank]

PREPARED BY: **4CREAKS**  
 2501 W. 9th St.  
 Fort Worth, TX 76104  
 PHONE: 817-336-0002  
 FAX: 817-336-0215  
 WWW: 4CREAKS.COM

**HORIZON NUT LLC**  
**FIREBAUGH PISTACHIO FACILITY**  
**CUP PLAN & ELEVATION -**  
**SCALE HOUSE**

PLOT DATE: 12/09/16
JOB NO.: 1620
FILE NAME:
SHEET NO.: PG-6



MICROBIAL LAB

REVISIONS	DATE	DESCRIPTION

DESIGNED BY: CHAS. M. HORNWAY, S.E.	SCALE: SHWT	DATE
APPROVED BY:		

PREPARED BY:

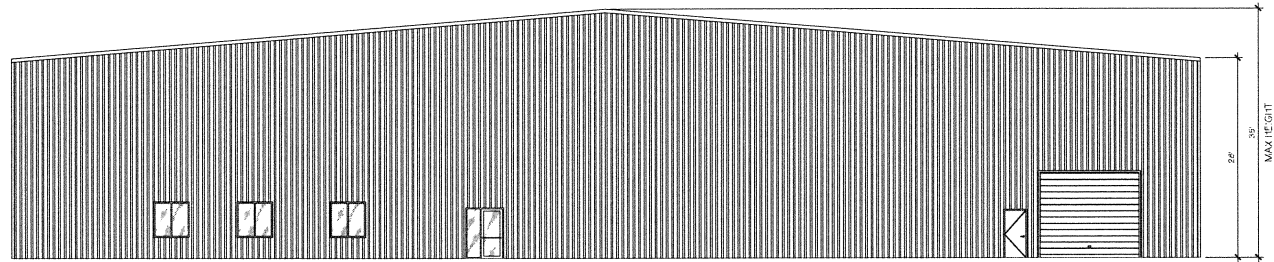
3400 SANDVALE ST., STE. A  
 FOLSOM, CA 95630  
 TEL: 916.450.3000  
 FAX: 916.450.3115

**4CREAKS**

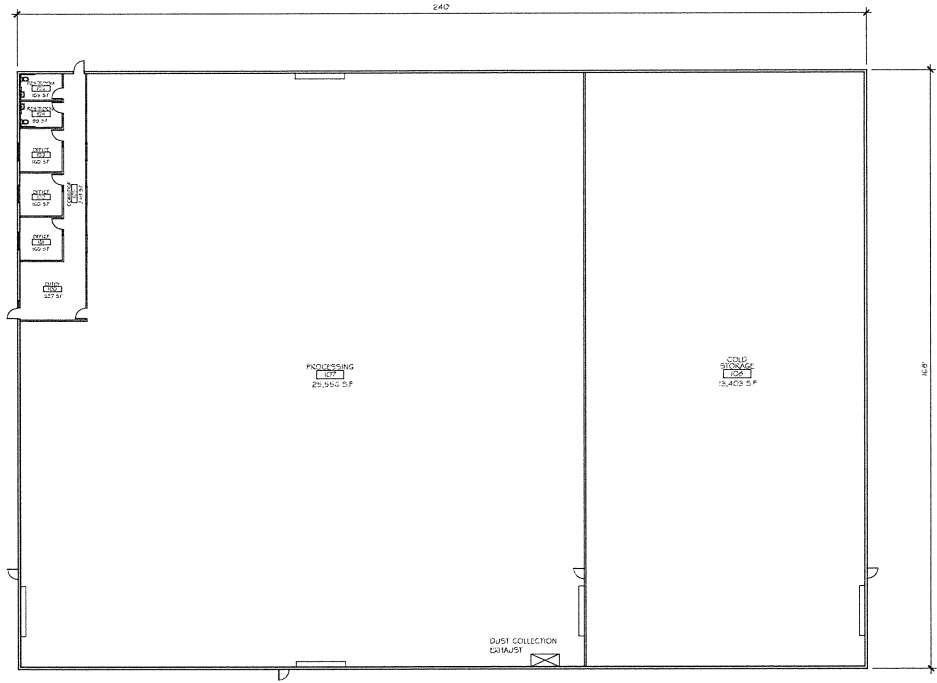
CHEY CHEN

**HORIZON NUT LLC**  
**FIREBAUGH PISTACHIO FACILITY**  
**CUP PLAN & ELEVATION -**  
**QC/MICROBIAL LAB**

PLOT DATE: 12/09/14
JOB NO.: 16280
FILE NAME:
SHEET NO.: PG-2



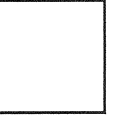
2 ELEVATION - BYPRODUCT PROCESSING  
SCALE: 1/8"=1'-0"



1 FLOOR PLAN - BYPRODUCT PROCESSING  
SCALE: 3/32"=1'-0"  
TOTAL BYPRODUCT PROCESSING AREA = 40,320 SQ.FT.

**BY-PRODUCT PROCESSING BUILD'G.**

NO.	REVISION	DATE	BY	DESCRIPTION

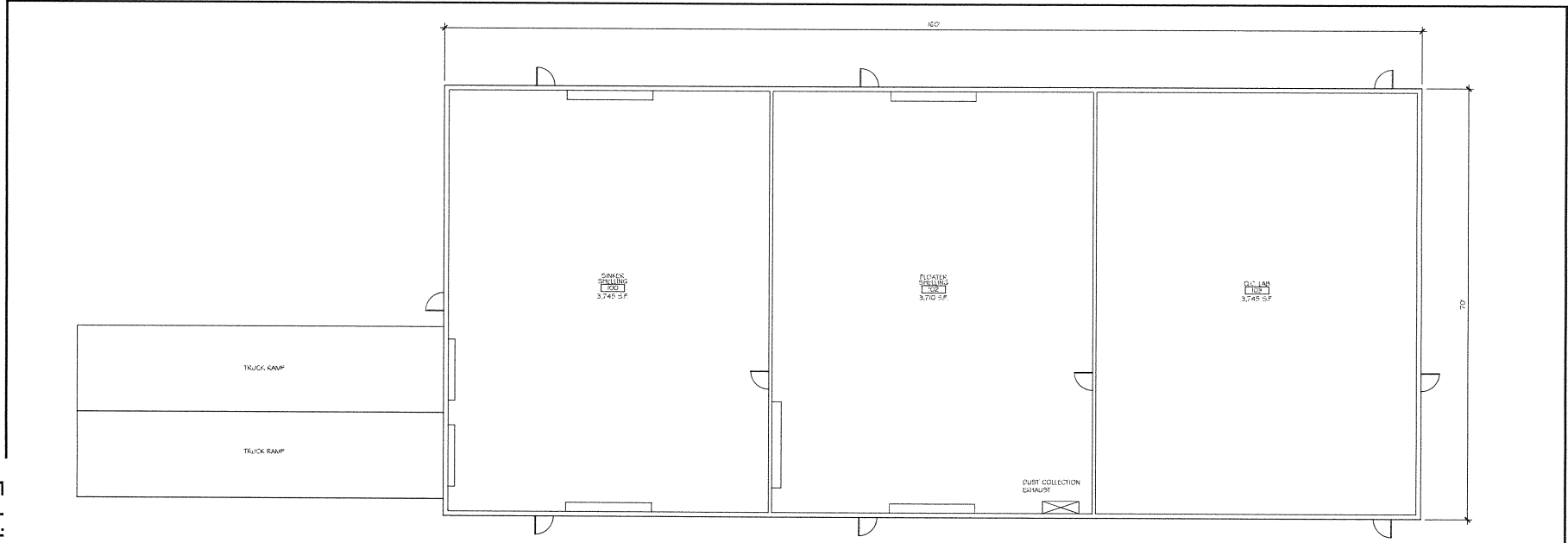


DESIGNED BY:	DATE:
CHECKED BY:	DATE:
APPROVED BY:	DATE:

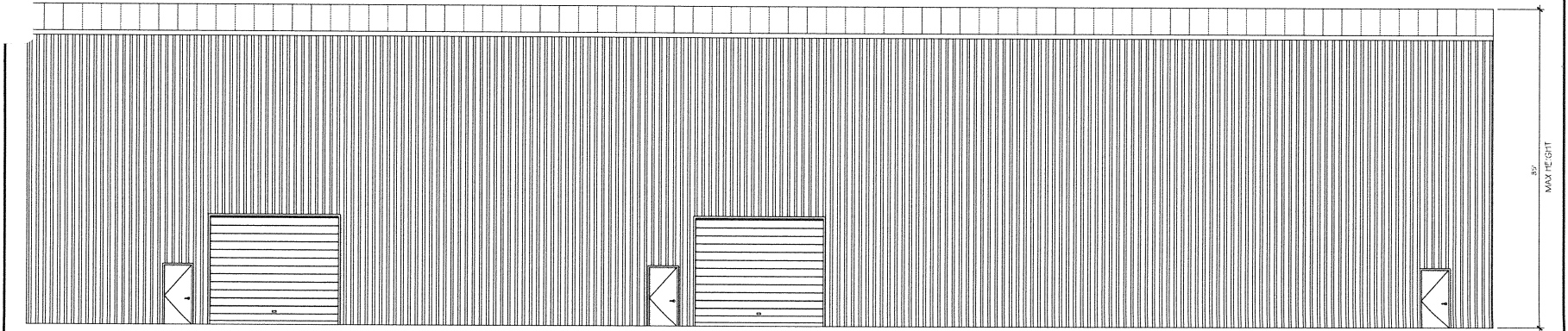
PREPARED BY: **4ORBERIS**  
 4ORBERIS ENGINEERING  
 1000 S. 10TH ST., STE. 4  
 P.O. BOX 1000  
 TULSA, OK 74101  
 TEL: 918.438.2222  
 FAX: 918.438.2225  
 DRAWN BY:

**HORIZON NUT LLC**  
**FIREBAUGH PISTACHIO FACILITY**  
**CUP PLAN & ELEVATION -**  
**BYPRODUCT PROCESSING**

PLOT DATE: 10/06/16
JOB NO.: 16280
FILE NAME:
SHEET NO.: PG-1



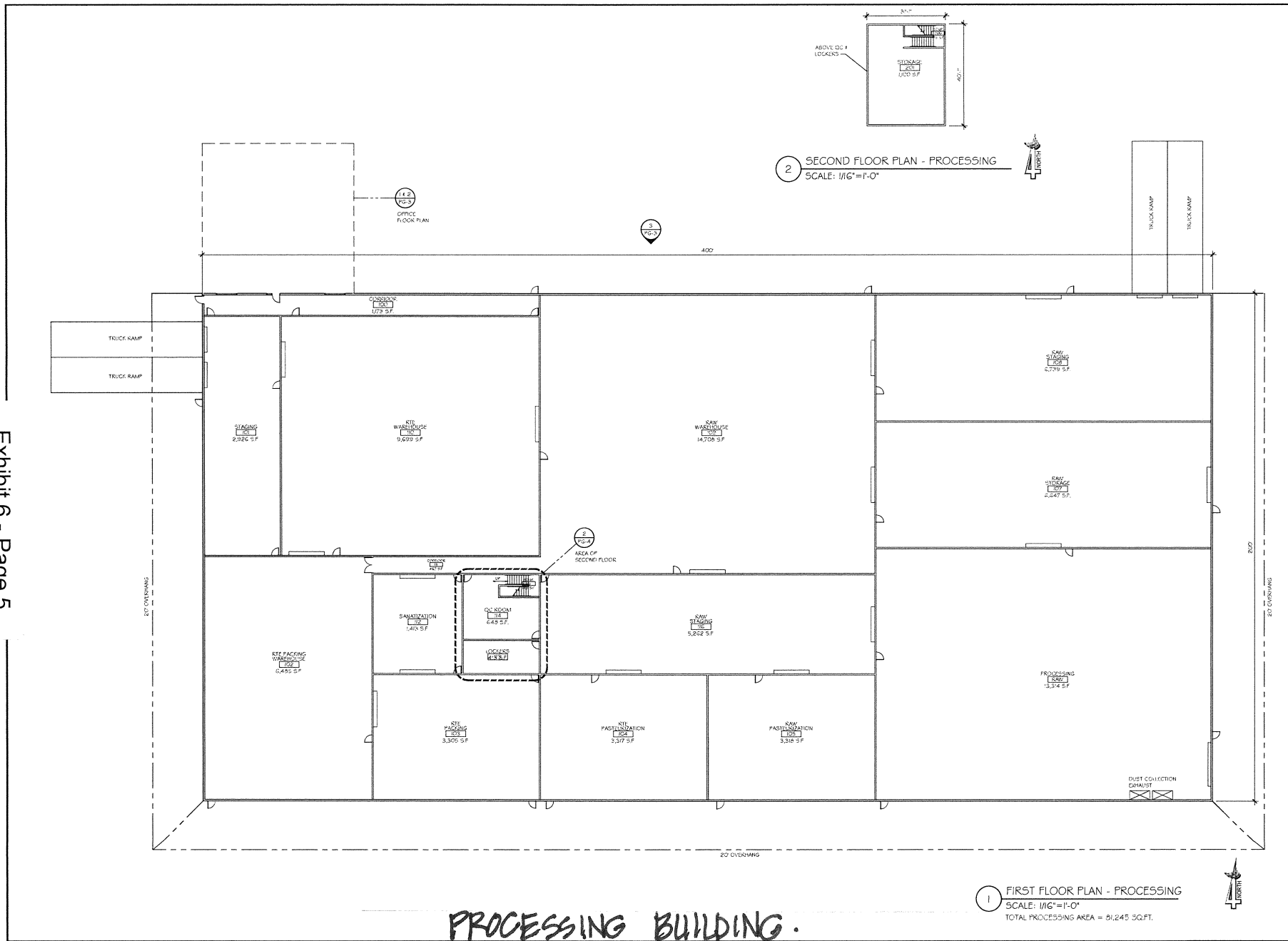
1 FIRST FLOOR PLAN - SHELLING  
SCALE: 1/8"=1'-0"  
TOTAL SHELLING AREA = 11,200 SQ.FT.



2 ELEVATION - SHELLING  
SCALE: 3/16"=1'-0"

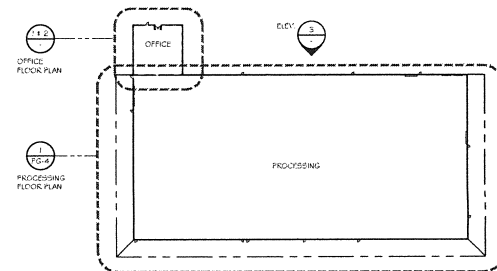
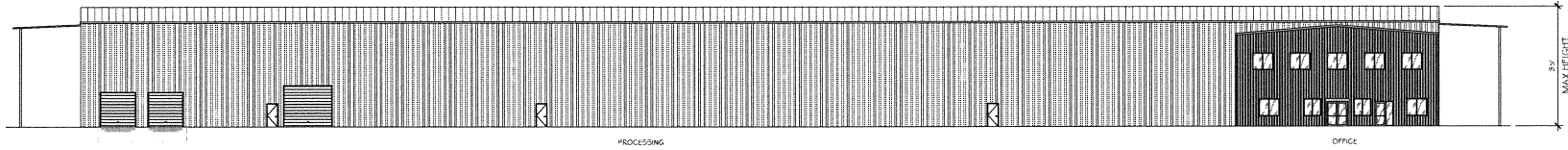
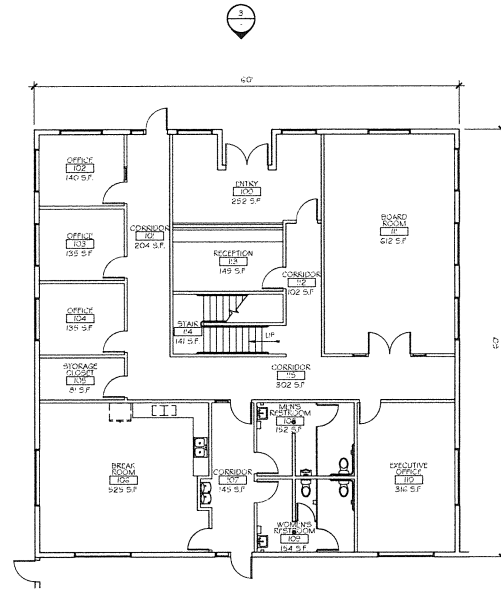
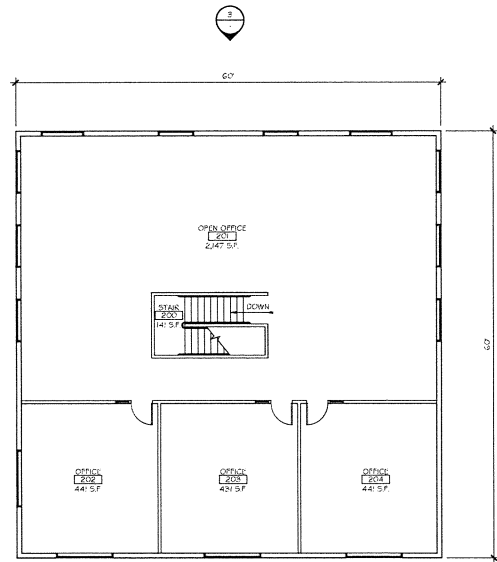
**SHELLING FACILITY**

DESIGN NUMBER:	R.C.E. TRIP	DATE	BY	DESCRIPTION
PROJECT NAME:	R.C.E. TRIP	DATE		
CHECKED/DATE:				
APPROVED BY:	R.C.E.	DATE		
PREPARED BY:				
DATE:	HORIZON NUT LLC FIREBAUGH PISTACHIO FACILITY CUP PLAN & ELEVATION - SHELLING		DRAWN BY: [ ] CHECKED BY: [ ]	
PLOT DATE:	12/09/18			
JOB NO.:	1803			
FILE NAME:				
SHEET NO.:	PG-5			



HORIZON NUT LLC FIREBAUGH PISTACHIO FACILITY CUP PLAN - PROCESSING	
PREPARED BY: 4CREAKS	CHECKED BY: [Signature]
PROJECT NO.: 1620	SHEET NO.: PG-4
DATE: 10/20/2018	FILE NAME:
SCALE: 1/16"=1'-0"	DATE:
APPROVED BY:	DATE:
COMPANY:	DATE:





OFFICE BUILDING.

REVISION	DATE	BY	DESCRIPTION

DESIGN/PROJECT	DATE

PREPARED BY: **4CREAKS** DESIGN

PROJECT: HORIZON NUT LLC  
FACILITY: FIREBAUGH PISTACHIO FACILITY  
OFFICE/ELEVATION

HORIZON NUT LLC  
FIREBAUGH PISTACHIO FACILITY  
OFFICE/ELEVATION

PLOT DATE:	12/06/16
JOB NO.:	16280
FILE NAME:	
SHEET NO.:	PG-3

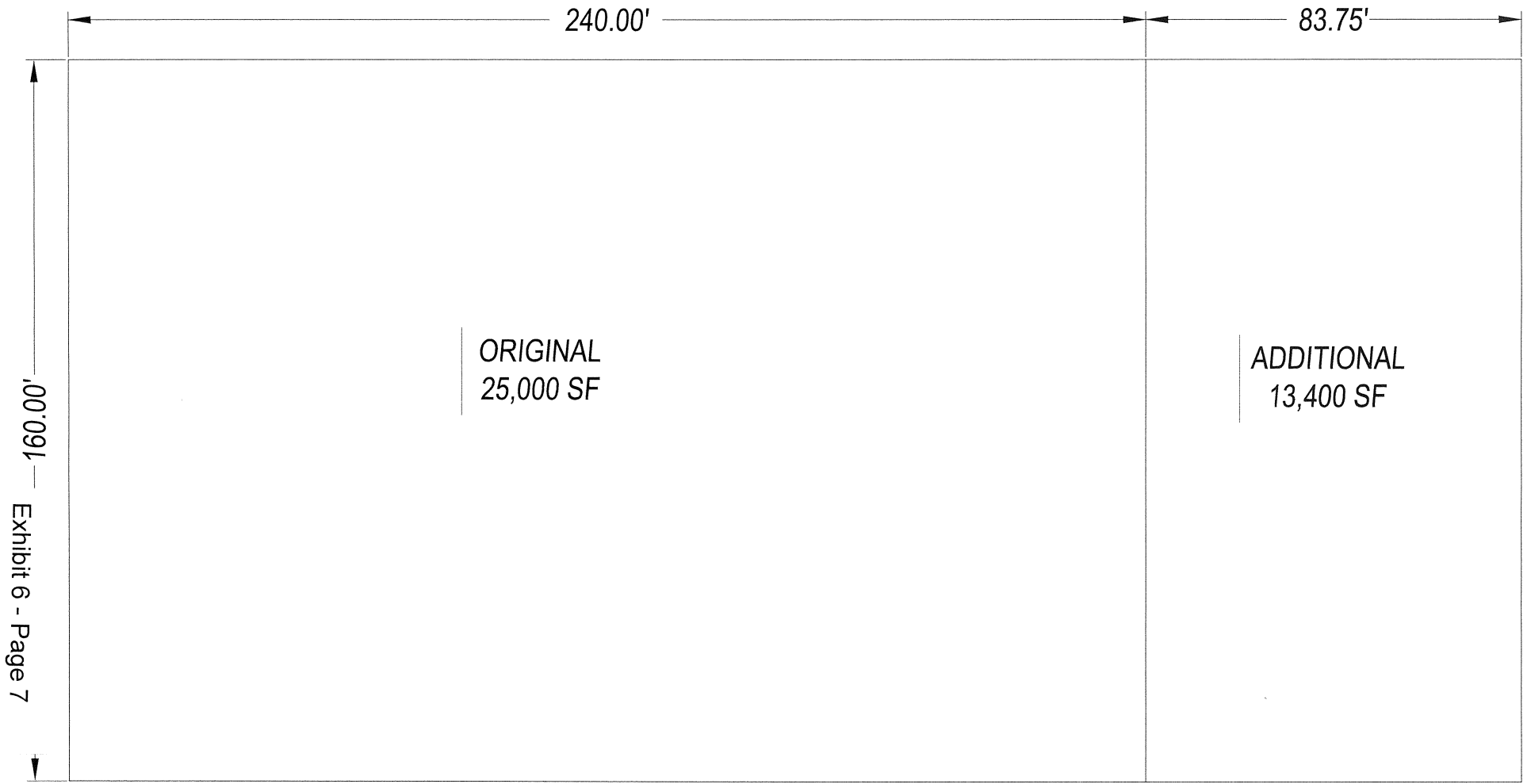


Exhibit 6 - Page 7  
160.00'

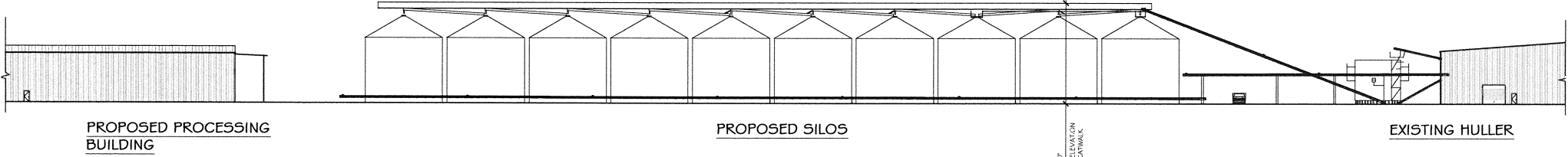
240.00'

83.75'

ORIGINAL  
25,000 SF

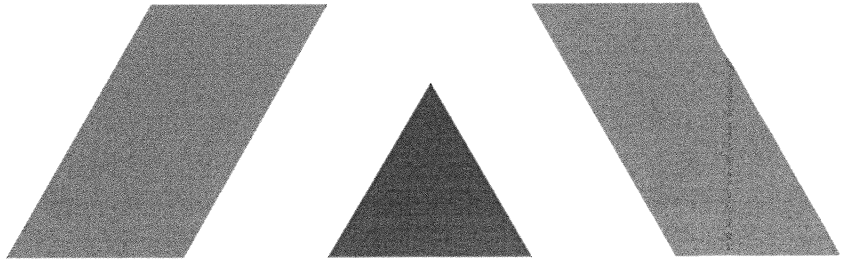
ADDITIONAL  
13,400 SF

EXISTING HULLER BUILDING



1 SILO ELEVATION  
SCALE: 1/32"=1'-0"

EXHIBIT 7



**PROJECT DESCRIPTION/OPERATIONAL STATEMENT**  
Horizon Nut, LLC

**Horizon Nut Pistachio Huller Expansion  
Amendment to Conditional Use Permit 3417**

Prepared By:

Kathy E. Parker – Principal Consultant  
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**INSIGHT ENVIRONMENTAL CONSULTANTS, INC.**

*a Trinity Consultants Company*

5500 Ming Avenue, Suite 140

Bakersfield, CA 93309

661-282-2200

April 2017

Project 130505.0098

*CUP 355B*

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COUNTY OF FRESNO

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DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**Insight**  
Environmental Consultants

**Trinity**  
Consultants

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# 1. PROJECT SUMMARY

**Project Title:** Horizon Nut Pistachio Plant Expansion Project

**Project Location:** 4946 N. Jerrold Avenue, Firebaugh, Fresno County, CA  
 Assessor Parcel Number 011-100-24S (154.29 Ac.) expansion area  
 011-100-07S, -14S, -15S, -16S, -17S, -20S, -23S – beneficial reuse area

**Entitlements:** Fresno County Conditional Use Permit Amendment, CEQA Initial Study

**Lead Agency:** Fresno County Public Works and Planning  
 2220 Tulare Street Fresno, CA 93721

**General Plan:** Agriculture      **Zoning:** Agriculture (AE-20)

Horizon Nut LLC is proposing to expand its existing pistachio plant near Firebaugh, Fresno County. The project would expand hulling, drying, and storing pistachios at the existing pistachio processing plant by approximately 35 million pounds per year within the existing area previously approved 154.29 acre CUP 3417 and add processing capabilities. Table 1-1 presents a summary of the Horizon Nut Pistachio Plant Expansion Project: approved CUP 3417, actual existing, 2016 proposed expansion over existing CUP, and proposed pistachio processing plant components. Although the facility was initially approved for 15 million pounds per year, the state-wide record-setting 2016 pistachio harvest required the existing plant to process 24 million pounds in the fall of 2016; this explains the difference between what was planned for in CUP 3417 and what occurred in during 2016 harvest.

**Table 1-1. Horizon Nut Pistachio Plant Project Summary**

<b>Project Characteristic</b>	<b>Approved CUP 3417 10/24/13</b>	<b>Actual Existing</b>	<b>2016 Proposed CUP Modification</b>	<b>Total = Existing CUP + 2016 Proposal</b>
Processing Capacity	15 million pounds/year	24 million pounds / year	Additional 35 million pounds/year	50 million pounds/year
Scale house & guard shacks	1,440 square feet (sf)	800 sf + 64 sf = 864 sf	Second “harvest entrance” 500 sf building	1,464 sf
Farm building – previously existing	3,000 sf	3,000 sf	No change	3,000 sf
Shop w restrooms	12,000 sf	10,180 sf	No change	10,180 sf
Pre-cleaning/ huller building	25,000 sf huller shell (canopy only)	38,400 sf huller building w four walls	13,400 additional sf huller building w four walls (already built)	38,400 sf huller building w four walls (already built)
Raw Pistachio Processing Building	None	None	80,000 sf	80,000 sf

By-Product Processing Building	None	None	40,320 sf (25,556 sf processing area; 13,403 sf cold storage)	40,320 sf
Sheller/QC Building	None	None	11,200 sf	11,200 sf
Office	None	None	7,200 sf	7,200 sf
QC Microbial Lab	None	None	7,800 sf	7,800 sf
Storage Silos	Nine 48-foot high (48')	10 - 54'	Additional 19 - 54' (18 new plus one existing)	28 - total - 54'
Natural gas fired silo heaters	Four - 2.2 MMBtu/hr portable natural gas fired	Four - 1.4 MMBtu/hr portable natural gas or propane fired (1 installed plus 3 additional authorized)	Four - 1.4 MMBtu/hr portable natural gas or propane fired	Four - 1.4 MMBtu/hr portable natural gas or propane fired
Column Dryers <sup>1</sup>	Six - 20 MMBtu/hr natural gas fired	Six 27 MMBtu/hr natural gas or propane fired	Nine - 27 MMBtu/hr natural gas or propane fired	15 - 27 MMBtu/hr natural gas or propane fired (6 existing, 9 new)
Precleaning / hulling line	One	One	One	Two
Receiving Pit	One	One	One	Two
Sample Dryer	One 1.4 MMBtu/hr natural gas fired	One 1.4 MMBtu/hr natural gas or propane fired	One 1.4 MMBtu/hr natural gas or propane fired	Two 1.4 MMBtu/hr natural gas or propane fired
Perimeter Improvements	Entryway, 1,800 by 2,040 of feet chain link	Entryway, 1,800 by 2,040 of feet chain link	Second entryway off N. Shaw Ave	Two entryways, 1,800 by 2,040 of feet chain link
Wastewater discharge system	Hydrasieves, Settling and Emergency Storage Ponds (35 million gallons) + 1,000 acre farmland irrigation	Hydrasieves + 1,000 acre farmland irrigation (Settling and Emergency Storage Ponds proposed to RWQCB, not yet built)	No change	Hydrasieves, Settling and Emergency Storage Ponds (35 million gallons) 1,000 acre farmland irrigation
Storm water	40,000 sf stormwater pond	75,000 sf surface area of the storage area of stormwater pond (per Fresno County, storm water pond size increased)	+ 35,000 sf of surface area over existing CUP (already built)	75,000 sf of surface area (already built)
Fire protection pond	150,000 sf	200,000 sf surface area	+50,000 sf of surface area (already built)	200,000 sf of surface area (already built)



Water use	33,000,000 gallons/year (100 acre feet) 750,000 gallons/day peak consumption	34,540,000 gallons/year (106 acre feet)	33,000,000 gallons/year (100 acre feet) 750,000 gallons/day peak consumption	66,000,000 gallons/year (200 acre feet) 1,500,000 gallons/day peak consumption
Truck trips	46 trucks/day peak season 8 trucks/day off- peak	85 trucks/day peak season 10 trucks/day off- peak	85 trucks/day peak season 10 trucks/day off- peak	170 trucks/day peak season 20 trucks/day off- peak
Employees	24 year round 125 seasonal	8 year round 104 seasonal employees	88 year round 41 seasonal	95 year round 145 seasonal

Notes: <sup>1</sup> Rated heat input is 27 MMBtu/hr based on the burner dataplates. SJVAPCD permit must reflect rated heat input of 27. Manufacturer rating for pistachio drying is 20.2. Letter from manufacturer documenting this rated heat input vs actual drying temperature attached (Appendix C).

**Source: Insight Environmental Consultants 2016**

## 2. PROJECT LOCATION

The Horizon Nut Pistachio Plant Expansion Project (Pistachio Plant Expansion or Project) is located on the southeast corner of N. Jerrold Avenue and W. Shaw Avenue approximately five miles southwest of the City of Firebaugh in western Fresno County. It is located at Sections 13 & 14, Township 13S, Range 13E, Mount Diablo Base & Meridian. The regional and project locations of the project are shown in Figures 2-1 and 2-2. Horizon's Pistachio Huller address is 5454 N. Jerrold Avenue on Assessor Parcel Numbers (APNs) 011-100-07,-14,-15,-16,-17,-20,-23,-24. Figure 2-3 shows the assessor's parcel map. The proposed expansion of the existing pistachio nut processing plant project would be located on the northwestern 154.29 acres of this property on the southeast corner of N. Jerrold Avenue and W. Shaw Avenue. The location of the existing operations is depicted in Figure 2-4.

N. Jerrold Avenue is a paved County roadway and would be the primary access to the project. W. Shaw Avenue is a dirt road for general local circulation. Photographs of the proposed project site are provided in Appendix A.

**Figure 2-1. Regional Location**

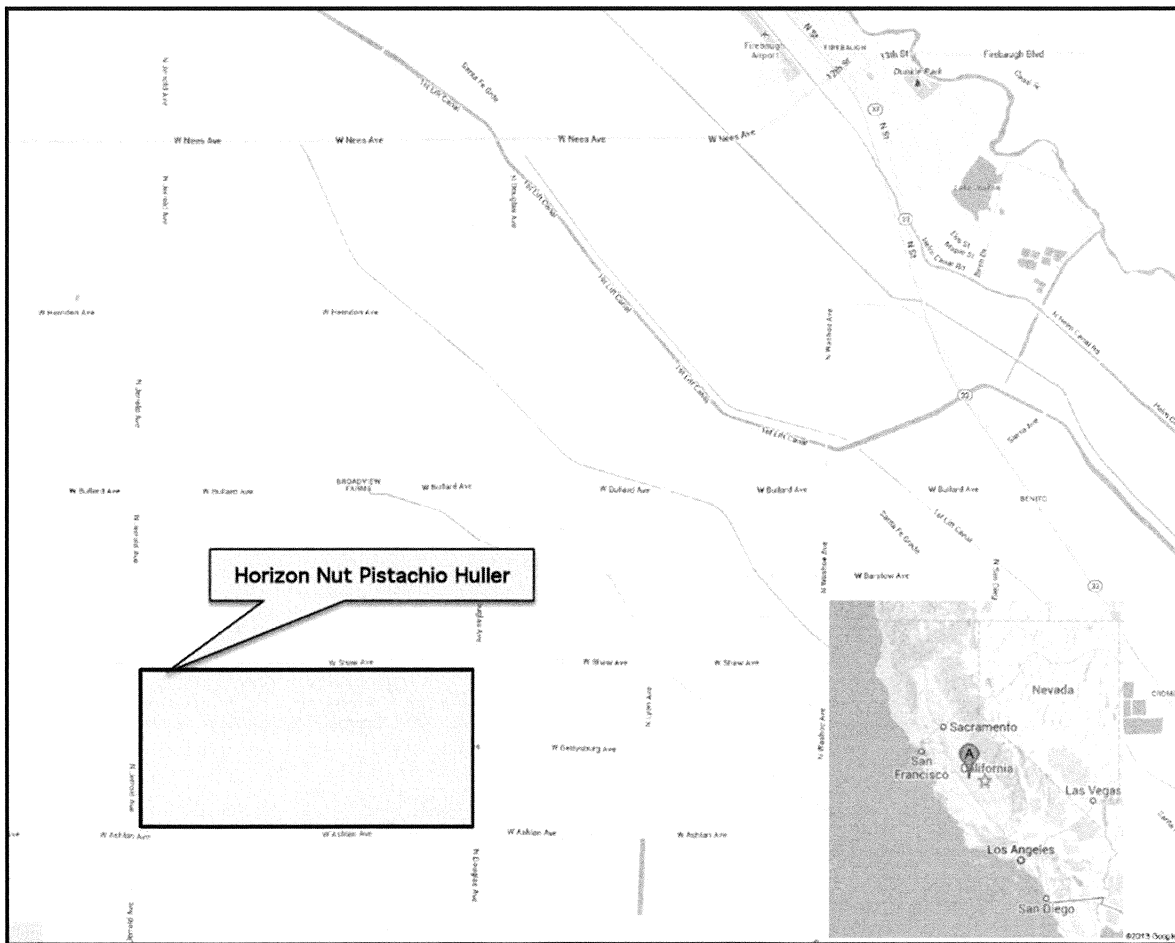


Figure 2-2. Project Location

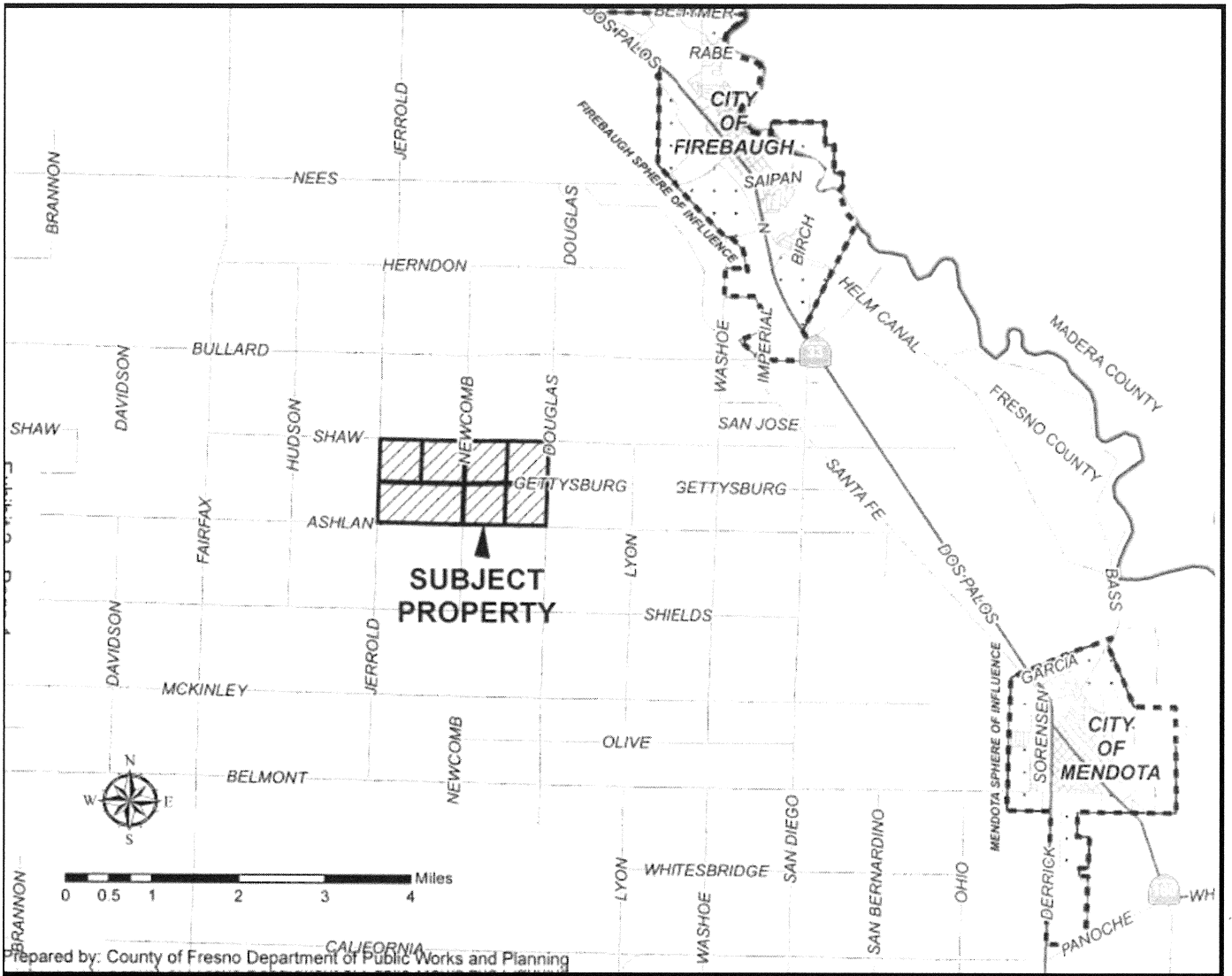


Figure 2-3. Assessor's Map

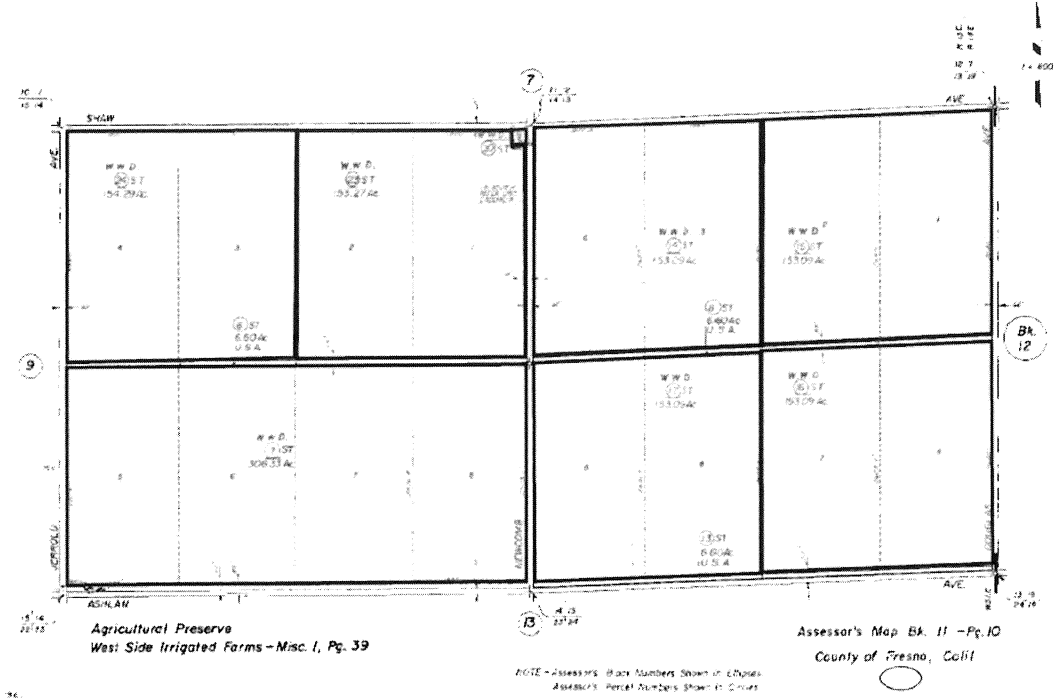
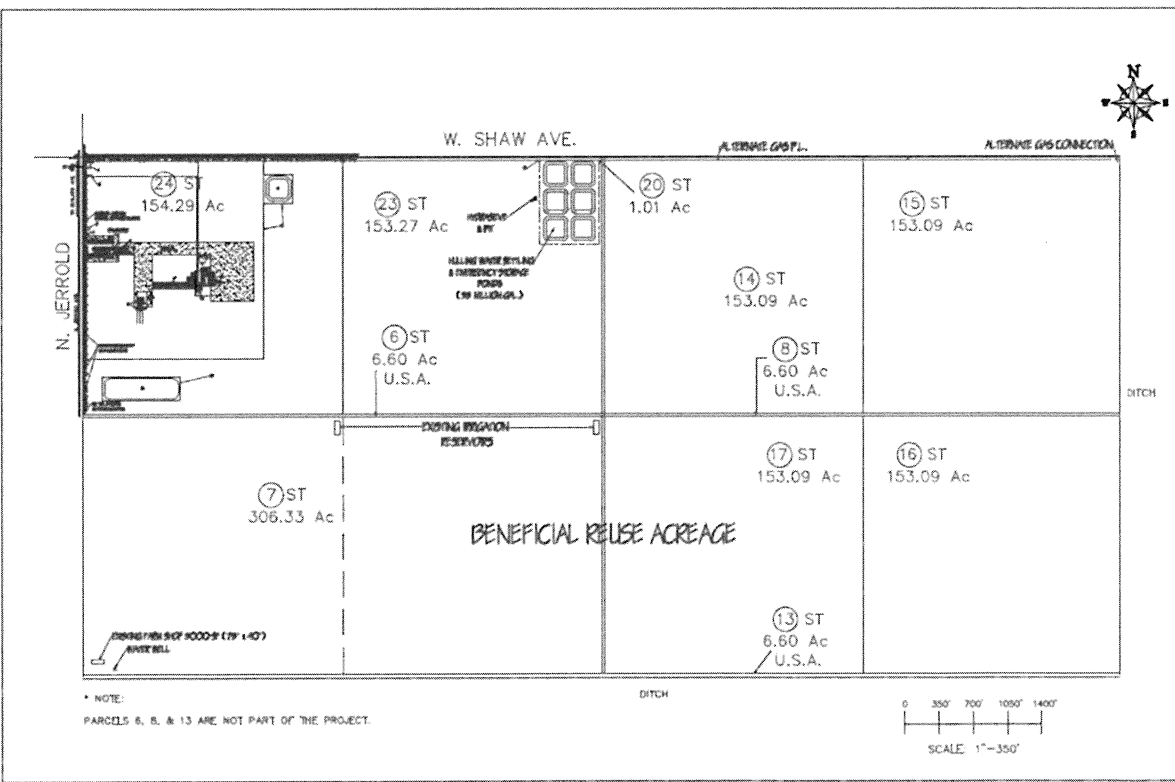


Figure 2-4. Existing Approved Horizon Nut Pistachio Plant Operations



### 3. PROJECT DESCRIPTION/OPERATIONAL STATEMENT

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The project is the expansion of the existing pistachio plant operations, previously approved as CUP 3417 by Fresno County in 2013. Table 1-1 (above) summarizes the existing approved operations of 15 million pounds per year for hulling, drying and storing pistachio nuts and the proposed expansion of an additional 35 million pounds per year for hulling, drying and storing pistachio nuts and the addition of pre-processing, seasoning, packaging operations. 2016 processed a bumper crop of pistachios and therefore existing actual operations was 24 million pounds in 2016. Implementation of the proposed project would include a Conditional Use Permit (CUP) amendment from Fresno County for the Horizon Nut pistachio plant expansion.

#### 3.1.1. Nature of Operations

The purpose of the proposed Pistachio Plant Expansion would be to enhance the capacity and capabilities of the existing nut processing facility for Horizon Nut member's pistachio crop. Figure 3-1, Project Site Plan, depicts the proposed construction area on the 154.29-acre property.

The proposed plant expansion would continue to receive pistachios primarily from Horizon Nut, LLC's member growers located in Madera, Merced and Fresno counties. The pistachios would continue to be hulled, dried, and stored at the existing pistachio plant site. This project also proposes to add pre-processing, seasoning, packaging and cold storage capabilities. Previously authorized associated activities include periodic structural and commodity fumigation to eradicate pests and the beneficial reuse of hulling wastewater to supplement the irrigation of adjoining farmland.

The Pistachio Plant Expansion would increase processing capacity by 25 million pounds per year and is summarized above in Table 1-1. The Pistachio Plant Expansion (and thus the proposed CUP modification) would add the following project components:

- The CUP modification acknowledges 13,400 additional square feet (sf) and four side walls in the pre-cleaning / huller canopy to the previously approved 25,000 sf for a total of 38,400 sf huller building (already built).
- The project includes the following new structures: 80,000 sf processing building; 40,320 sf by-product processing building; 7,200 sf office; 7,800 sf QC microbial lab; 11,200 sf shelling facility/QC testing lab; 500 sf harvest entrance building
- The project would add nineteen (19) 54-foot high storage silos to the existing approved nine (9) for a total of eighteen (28) 54-foot high storage silos (10 built and 18 new) each with two aeration fans.
- The huller building referenced above would house the following equipment: nine (9) new column dryers (for a total of fifteen); one new wet and one dry hulling line (for a total of two); and one new sample dryer (for a total of two).

- The new 40,320 by-product processing building would include Freon-charged cold storage and color sorting and sizing equipment.
- The new 80,000 sf processing building would include sizing, color sorting, and packing equipment; pasteurizer w a natural gas/propane boiler under 49 hp; and a chiller unit (freon).
- The storage silos referenced above would be authorized for fumigation and would utilize supplemental heat from the four currently authorized portable silo heaters, as needed.
- The referenced above proposed fifteen (15) column dryers, sample dryer, and precleaning line would be permitted by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The proposed pasteurizer and boiler will be exempt from permitting requirements according to SJVAPCD Rule 2020.
- Bin stack fumigation at various locations throughout facility is currently permitted by the SJVAPCD; no additional permitting is required.
- Water consumption would expand by 100 acre feet per year (33,000,000 gallons per year) for a total of 200 acre feet per year (66,000,000 gallons per year). Existing on-site process water storage and treatment would include wastewater discharge using the same approach as existing operations: mechanical screens for solids/liquids separation, on-site storm water pond, and hulling water settling storage pond to facilitate distribution to existing irrigation systems serving the adjoining farmland. The wastewater discharge to adjoining 1,000 farmland is part of a Report of Waste Discharge application filed with the Regional Water Quality Control Board (RWQCB) in December 2014 for the application to land of up to 33 Mgallons/year of pistachio hulling wastewater. Although wastewater discharge requirements have not been adopted, application of wastewater is allowed prior to permit approval, provided the wastewater is applied in a manner consistent with the application package and the application was filed at least 140 days before discharge. A new application will be filed with the RWQCB at least 140 days before the hulling season in which the volume of wastewater applied is expected to exceed 33 Mgallons/year. Because of continuing advances in dry hulling technology, the CUP amendment activities may be less than the proposed limit of 66 Mgallons/year. The Report of Waste Discharge for the original CUP No. 3417 was subsequently amended with the RWQCB to allow for application of solids to the adjacent farmland due to a change in the market; until market based alternatives are available, Horizon will continue to apply solids as allowed by the RWQCB. Wastewater storage and fire storage were increased during the initial CUP construction by an additional 35,000 sf of surface area for waste water and an additional 50,000 sf of surface area or fire water (see Table 1-1); these storage volumes are expected to be sufficient for this CUP amendment process.
- The existing PG&E electric and gas/propane services would remain unmodified from previous CUP.

- There would be a new entrance added off W. Shaw Avenue to facilitate circulation during harvest; that entrance would include a new 500 sf guard shack and entrance signage and landscaping in conformance with Fresno County code. There would be no other changes to the existing on-site improvements: perimeter fencing, monument sign, scale house & guard shack, shop with restrooms, septic systems serving the scale house/guard shack, potable water storage and treatment, paving, parking, loading docks and staging areas, fire protection ponds and wastewater discharge systems.

### **3.1.2. Operational Time Limits**

Pistachios are harvested during a 45-day period that varies between late August and early October and must be hulled within hours of harvest. While the harvest and hulling period is limited, mechanical processing, storage, fumigation and bulk packaging in preparation for shipment can be managed year round. Operations would generally include one shift per day, five days per week: 7:00 a.m. until 3:30 p.m. As required, for a few weeks a year during harvest, the schedule would expand to seven days per week with up to two 12-hour shifts during the harvest season. Horizon has staggered shifts during peak harvest so that the employees are not all in the parking lot at any one time (e.g., 3am to 3pm; 3:30 pm to 3:30 am; 4am to 4pm; and 4:30 pm to 4:30 am).

### **3.1.3. Number of Customers**

The Pistachio Plant is not currently and would continue to not be a retail facility with no customers. Freshly harvested pistachios are currently and would continue to be trucked in during the harvest season for hulling and drying, then conveyed to the silos. Pre-processing operations, such as grading and sorting, fumigation and bulk packaging would be conducted year round. The plant expansion would also include roasting, flavoring and various customer-oriented packaging options. Pistachios would be processed and package on-site and then trucked out in tote bins, sacks and various packaging and flavoring options to distribution warehouses en route to customers. The facility would continue to be controlled with guard shacks and perimeter fencing to discourage trespass. Only materials deliveries, nut distribution trucks and employees would be accessing the Pistachio Plant.

### **3.1.4. Number of Employees/Trips**

Table 1-1 presents the approved, existing and proposed employees for the Pistachio Plant Expansion Project. Existing (actual existing) includes eight (8) year-round employees and 104 seasonal employees. The plant expansion would include up to 88 additional year round employees and up to 41 additional peak month seasonal employees. When adding the existing employees, there would be a total of 95 year round employees and 145 seasonal employees. The 95 permanent employees would conservatively generate a maximum of 95 trips from employees. Most seasonal employees carpool, based on field observations in the region and knowledge of the labor pool. A ridesharing rate of at least 50 percent is reasonably expected for seasonal employees. During peak season, when this more aggressive ridesharing pattern is typically observed, employees would likely generate 82 dayshift and 82 night shift trips (accounting for both year round and seasonal employees). Horizon has staggered shifts during peak harvest so that the employees are not all in the parking lot at any one time (e.g., 3am to 3pm; 3:30 pm to 3:30 am; 4am to 4pm; and 4:30 pm to 4:30 am).

### **3.1.5. Service and Delivery Vehicles**

There would be two primary types of service and delivery vehicles visiting the Pistachio Plant Expansion Project: trucks delivering freshly harvested in-hull pistachios and trucks picking up tote bins, sacks of hulled and dried nuts or flavored and packaged nuts to be transported off-site for distribution to customers. The number of trucks varies by season, with more truck trips during



peak harvest season (spanning one to two months per year) and fewer truck trips during the remaining ten months of the year.

During peak harvest season, a maximum of 170 trucks per day would be delivering freshly harvested in-hull pistachios for processing. Toward the end of the harvest season, a range of 10 to 20 trucks per day would be picking up processed nuts to be transported off-site for market distribution.

During off peak season, there would be no truck trips delivering freshly harvested in-hull pistachios for processing and up to eight trucks per day picking up tote bins of nuts to be transported off-site for final processing.

### **3.1.6. Access to the Site**

The nut processing plant project would be located on the southeast corner of N. Jerrold Avenue and W. Shaw Avenue, approximately five miles southwest of the City of Firebaugh in western Fresno County. The main project entrance is located on N. Jerrold Avenue, which is a paved road. A secondary entrance would be added as part of the CUP amendment and would be off W. Shaw Avenue, which is currently unpaved.

Regional traffic would access N. Jerrold Avenue from W. Bullard Avenue, which connects to regional routes. To the east, project traffic accesses W. Bullard Avenue from State Route 33 (SR 33). To the west and Interstate 5, project traffic would exit onto W. Nees Avenue, turn south onto W. Fairfax Avenue and east onto W. Bullard Avenue to N. Jerrold Avenue. The internal traffic circulation pattern is show in Figure 3-1.

### **3.1.7. Number of Parking Spaces**

The project would include 116 parking spaces (109 regular and 7 handicap) and would be sufficient to comply with County zoning code requirement of 1 space per 2 permanent employees. During peak harvest season, there would be up to 240 employees (95 year round plus 245 seasonal). Most of the parking would be located by the main gate; there would be some spaces by the office and the by-product building (Figures 3-1). Horizon has staggered shifts during peak harvest so that the employees are not all in the parking lot at any one time (e.g., 3am to 3pm; 3:30 pm to 3:30 am; 4am to 4pm; and 4:30 pm to 4:30 am).

### **3.1.8. Goods Sales**

The proposed project is a pistachio processing facility. No sales would occur on site. Freshly harvested in-hull pistachios would be received, hulled, dried, pre-processed, transferred from silos, processed with seasonings, and packaged for distribution.

### 3.1.9. Equipment

The project would include the following equipment:

- Two pre-cleaning lines (one existing and one new), each with a receiving pit, stickreel, two pre-cleaner discharge aspirators served by one or more high efficiency cyclones with a blower, and associated conveyors, elevators, and hoppers (one existing and one proposed);
- SJVAPCD permit-exempt processing equipment, including pistachio hullers/peelers, bag houses (for air/material separation), pasteurizer, pasteurizer boiler less than 49 hp, wash decks, float tanks, wet aspirators with cyclones and/or expansion boxes, decks with cyclones, mechanical separation equipment (sizers, graders, color sorters) and associated augers, conveyors, elevators, and hoppers;
- Up to fifteen (15) natural gas fired column dryers (6 approved and 9 new), approximately 27 MMBtu/hr rated heat input each;
- Two natural gas fired sample dryers (one existing and one new), approximately 1.4 MMBtu/hr rated heat input;
- Up to twenty-eight (28) 54-foot high storage silos (9 previously approved and 19 proposed in the CUP amendment; there are 10 existing and 18 to be constructed) each with two aeration fans;
- Up to four - 1.4 MMBtu/hr natural gas fired portable silo heaters (1 existing, 3 additional already authorized by CUP 3417);
- Freon charged cold storage;
- Sizing, grading, sorting, and packing equipment;
- Pasteurizer w a natural gas/propane boiler under 49 hp;
- Storage tanks for fire water and potable water; and
- Forklifts.

### 3.1.10. Supplies/Materials

The project would include the following supplies and materials:

- Raw materials – incoming pistachio nuts;
- Water treatment – chlorine gas or sodium hypochlorite;
- Sanitation – FDA approved sanitizers, degreasers;
- Equipment maintenance - food grade lubricating oil, gear oil, hydraulic oil, welding gases;
- Natural Gas or Propane;
- Freon;
- Fumigant – hydrogen phosphide and sulfuranyl fluoride;
- Tote bins and super sacks (no final packaging at this facility); and
- Office supplies.

### 3.1.11. Does the Use Cause an Unsightly Appearance

Implementation of the Pistachio Plant Expansion would change the visual appearance of the project area primarily through additional storage silos and processing buildings. The existing pistachio plant is already constructed and starting operations in 2015. The facility would hull, dry, store, process and package nuts coming directly from the field for distribution to the market.

While the expansion buildings would cause some change in the existing landscape, the existing Pistachio Plant is already in place and is surrounded by remote agricultural fields. The design and scope of the Pistachio Plant Expansion would include metal buildings and storage silos and associated equipment detailed in Table 1-1; this would be considered appropriate for an agricultural zone. Further, the proposed expansion would comply with zoning code, design guidelines and site plan review requirements for Fresno County. The proposed project therefore would not be considered unsightly in appearance at its proposed location.

The noise levels would be consistent with existing operations. Dust would be managed through on-site "all weather" surfacing and water trucks as needed (during construction). On-site lighting would be focused on the existing operations; 24-operations would be limited to the harvest season. There would be no off-site glare. A nut huller is not a source of nuisance odors.

### **3.1.12. Solid or Liquid Wastes to be Produced**

Nut processing generates an organic waste stream during processing. Twigs, leaves and chaff are composted and used as mulch to be disked into farmland or for biomass conversion. Hulls and meal are separated and sold as a commodity for cattle feed. Any cardboard or plastic consumed in the process would be recycled. There would therefore be minimal solid waste stream sent to the land fill, limited to minor office waste. All sanitary system solid waste would be processed in an on-site septic system.

Liquid waste is anticipated to be less than 66,000,000 gallons of water per season (or about 200 acre feet) (33,000,000 gallons for the existing approved operations and 66,000,000 gallons for the proposed expansion). This waste water would be primarily generated in the hulling process. Other minor sources of waste water would be domestic waste discharged to the septic system and equipment washdown.

Hullers discharge hulling water -- including hulls, shells, and skins -- to floor augers. The augers discharge to a vault, from which the water and material would be pumped to a bank of parabolic screens (hydrasieves) to remove solids. Water discharges to a settling pond. No additional ponds would be constructed over what was approved in the original CUP. The screened hulls would be pressed to reduce water content, conveyed to trucks and shipped under a bill of lading for cattle feed. Water would be pumped from the settling pond into the farming irrigation distribution system, and applied to up to approximately 1,000 acres of farmland (depicted previously in Figures 2-1, 2-2 and 2-3) as supplemental irrigation. Water reuse would provide vital plant nutrients, e.g. nitrogen, potassium, and organic matter, in addition to moisture. Therefore, the daily volume of water applied to the farmland would be determined based on irrigation requirements and the appropriate loading rate of the various nutrients in the water. In general, the settling pond would be emptied as rapidly as practicable to minimize the potential for anaerobic conditions.

### **3.1.13. Estimated Volume of Water to be Used (Gallons/Day)**

Water use would be up to 66,000,000 gallons of water per season primarily in hulling operations (or about 200 acre feet) (33,000,000 gallons for the existing approved operations and 66,000,000 gallons for the proposed expansion). Because of the seasonal nature of the processing plant, the amount of water used per day will be up to 3,000,000 gallons per day during the peak harvest season and approximately 1,500,000 gallons per day at the beginning and end of the harvest season.

The source of water supply would continue to be Westlands Water District. The facility currently provides bottled water for human consumption under an alternative Water Exclusion via Westlands Water District. As a result of the Project, more than 24 persons will be employed year-round and the facility will serve 25 or more of the same employees at least six months of the year. Therefore, a drinking water treatment and storage system is proposed. Based on the proposed number of service connections and population served, the drinking water system would be regulated as a non-transient non-community water system. The water system application will be submitted to State Water Resources Control Board, Division of Drinking Water, prior to an employee increase that would exceed the alternative water exclusion criteria.

Chlorinated process water would be used for nut hulling and sanitation.

### **3.1.14. Described Any Proposed Advertising**

Signage has already been installed in compliance with County Code, for the existing pistachio plant displaying the facility name, address and entry restrictions. The project signage is located at the main facility entrance on N. Jerrold Avenue.

### **3.1.15. Will Existing Buildings Be Used? Will New Buildings Be Constructed?**

The Pistachio Plant Expansion Project will use of all the existing structures summarized in Table 1-1 and previously described. The expansion project would include construction of up to 161,000 additional sf of buildings. Additional structures would include approval of 19 – 54’ additional storage silos (one existing, eighteen to be constructed).

### **3.1.16. Building Uses in Operations**

The proposed buildings would encompass various uses:

- > 80,000 sf processing building would be used for mechanical separation processes, such as sorting and grading, as well as temporary storage of tote bins or super sacks.
- > 13,400 sf in hulling building expansion and walls for a total of 38,400 sf (already constructed).
- > 40,320 sf by-product processing building.
- > 11,200 sf sheller/QC building.
- > 7,200 sf office building.
- > 7,800 sf QC microbial lab.

Other proposed structures would have the following uses:

- > Silos would store hulled pistachios.

- Tanks would store water to be used for fire protection, processing, drinking and sanitation.

### **3.1.17. Outdoor Lighted and Sound Amplification**

The new buildings would all include exterior lights attached to the structures. Exterior amplification would be in place for emergency conditions only.

### **3.1.18. Landscaping and Fencing**

The facility already has existing perimeter fencing and drought-tolerant landscaping with native species in compliance with Fresno County regulations. The Pistachio Plant Expansion Project would not affect existing landscaping and fencing already approved under CUP 3417. As this is a food processing facility, all landscaping is limited to the exterior of the facility; no new landscaping is proposed.

### **3.1.19. Other Information**

The project includes beneficial reuse of hulling water on up to approximately 1,000 acres of adjacent farmland owned by Horizon Nut, LLC (Figures 2-1, 2-2 and 2-3), which has previously been approved in the original CUP 3417 and is subject to the Regional Water Quality Control Board (RWQCB) review and permitting. The project would include hydrogen phosphide and sulfuryl fluoride structural and commodity fumigation, as needed.

### **3.1.20. Identify all Owners, Officers and/or Board Members**

Horizon Nut, LLC is the owner of the project site and the adjoining farmland upon which the application of facility wastewater for beneficial reuse is proposed. A copy of the grant deed and legal description for the project site are provided in Appendix B.

Chairman – Ted Sheely  
Vice Chairman – Larry Lowder  
Mark Hoffman – Secretary/Treasurer (CFO)

Board:  
Brian Watte  
Tom Johnson  
Diane Elledge  
John Heuler  
Phil Hansen  
Gary Smith  
Jeff Schmiederer

This Board of Directors may be changed in January 2017.

### 3.1.21. Construction Process

Construction of the Pistachio Plant will extend over approximately 2 years in three phases: Sheller and by-products building (operational Fall 2017); additional silos (operational by summer 2018); and final structures (80,000 sf processing building, office, labs) and remaining silos (summer 2019).

The following equipment would be delivered at the beginning of the construction period and would remain on-site throughout the construction process: loader, grader, backhoe, forklift, zoom boom, gradall, crane, ditch witch, scissor lift, and bobcat. Heavy equipment needs will vary over the construction period; not all equipment would be operated daily nor would all equipment be in operation the entire workday.

Concrete and gravel work would include foundations for the silos, the huller shell expansion, and process building. Components that would be fabricated off-site and delivered for installation on-site include: silo and dryer catwalks, and precleaning/hulling line equipment (conveyers, pre-cleaners, float tanks, huller stands).

Project elements that would be assembled on-site include: silos along with accessories (A-frames, catwalks, fan/heater units, floors); dryers (will be assembled then stacked with a crane); precleaning/hulling line equipment (50/50 on pre-fab and assembled on-site); processing building; and internal qualities (parking, lighting etc.). Construction traffic would include an average of 25 employees for eight months and a peak of 40 employees for four months during concrete and gravel work. There would be an average of five delivery trucks a day conveying equipment and materials throughout the year construction period.

### 3.1.22. Environmental Mitigation Measures/Project Commitments

The project would at a minimum incorporate the following Environmental Mitigation Measures to minimize and avoid potential environmental impacts.

- Construction activities shall be limited to the project area as evaluated in the Initial Study. The work area will be clearly identified on the construction drawings and will be staked and flagged prior to initiation of construction activities.
- The project applicant shall comply with all rules and regulations by the SJVAPCD.
- The project applicant shall submit a complete Report of Waste Discharge to the Regional Water Quality Control Board at least 140 days prior to initiating any operations that would result in a discharge to land.
- Should cultural resources be discovered, during construction, activities will be halted until a qualified archaeologist can assess their level of significance. Prior to continuing construction activity, any mitigation and preservation measures recommended by the archaeologist shall be complied with. Should human bones be included in the find, the Fresno County coroner will be informed. Should the remains be of Native American origin, descendants of the deceased, or if descendants cannot be located, the Native American Heritage Commission will be contacted

for a recommendation for means of treating or disposing of the remains and any associated grave goods, all as provided in Public Resource Code Section 5097.98.

### 3.1.23. Approvals and Permits

The proposed project will require the following approvals and permits.

- Fresno County (Lead Agency) – Approve the CUP amendment; complete Site Plan Review; adopt the Negative Declaration; approve the proposed project; and issue the building permits; encroachment permit (for work in public rights of way).
- SJVAPCD (Responsible Agency) – Applicable rules and regulations.
- RWCQB (Responsible Agency) - Applicable rules and regulations.
- State Water Resources Control Board - Division of Drinking Water (Responsible Agency) – Applicable rules and regulations.

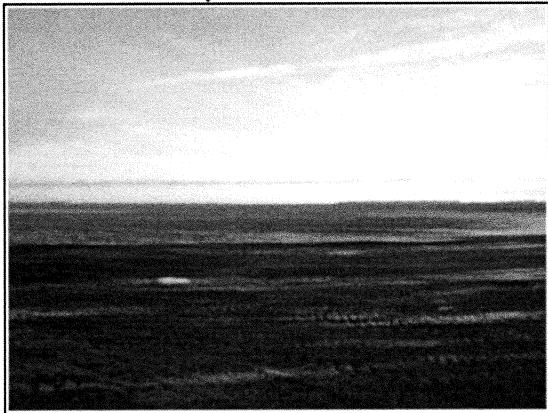
APPENDIX A: SITE PHOTOGRAPHS

Southerly View of the Shaw Avenue Alignment



**Broadview Land  
Acquisition Property**

Northeasterly View from Jerrold Avenue



Southwesterly View from Northeast Corner of Subject



*Correia - Xavier*  
incorporated

**Figure A-1– View from Project Site**





## EXHIBIT 8

# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Horizon Nut, LLC
- APPLICATION NOS.: Initial Study Application No. 7240 and Classified Conditional Use Permit Application No. 3558
- DESCRIPTION: Allow expansion to an existing pistachio huller facility authorized by Conditional Use Permit No. 3417 to include expansion of hulling, drying and storage capabilities including pre-processing, seasoning and packaging operations. The use includes 54-foot-high storage silos on a 154.29-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project is located on southeast corner of N. Jerrold Avenue and W. Shaw Avenue approximately five (5) miles southwest of the City of Firebaugh (4946 N. Jerrold Avenue, Firebaugh, CA) (SUP. DIST. 1) (APN 011-100-07S,-14S,-15S,-16S,-17S,-20S,-23S,-24S).

### 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 developed with an existing pistachio huller facility and is surrounded by farmland containing filed crops. The property fronts Jerrold Avenue which is not identified as a scenic highway in the County General Plan and no scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings were identified on or near the site. 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: LESS THAN SIGNIFICANT IMPACT:

The subject proposal would allow expansion of an existing pistachio huller facility by expanding hulling, drying and storing capabilities, and by adding pre-processing, seasoning and packaging operations on a 154.29-acre parcel. The expansion would include a 13,400 square-foot addition to a previously approved 25,000 square-foot pre-cleaning/huller building; 80,000 square-foot processing building; 40,320 square-foot by-product processing building; 7,200 square-foot office building; 7,800 square-foot quality control (QC) microbial lab; 11,200 square-foot shelling facility/QC testing lab; 500 square-foot harvest entrance building; the addition of nineteen (19) additional silos to the existing nine (9) silos, each with two aeration fans; and nine (9) new column dryers in the huller building; one new wet and one dry hulling line; and one new sample dryer. Related improvements include receiving pits, parking, truck scale, loading docks, pre-cleaner and propane pads.

The project area is dominated by agricultural fields. Nearest developments include single-family residences located approximately 200 feet to the northwest and a greenhouse located 180 feet north of the project site. The proposed expansion of the pistachio huller facility would change the visual appearance of the project area due to construction of buildings and additional silos. However, the change will not be significant in that the proposed improvements will be similar in design, material and height (maximum 35 feet for buildings and 54 feet for storage silos) to the existing facility improvements on the property and will be located minimum 200 feet from the nearest property line. As such, the proposal will have a less than significant visual impact on the surrounding land uses.

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will require outdoor lighting around buildings and parking area. Any lighting and glare impacts on the surrounding area will be reduced to a less than significant level with the inclusion of a mitigation measure requiring all lighting to be hooded and directed as to not shine toward adjacent property and public streets.

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.*

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The subject parcel is classified as Farmland of Local Importance on the 2010 Fresno County Important Farmland Map and currently is not enrolled in a Williamson Act Contract.

- 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:

According to the County Zoning Ordinance, the project site is currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The proposed development does not conflict with the existing zoning and the project site does not contain any active forest land or support trees that may be commercially harvested. The project area is dominated by agricultural fields with limited improvements. The proposed expansion to the existing pistachio huller facility would be considered appropriate for an agricultural zone and is not expected to bring any significant change to the area.

The Fresno County Agricultural Commissioner's Office reviewed the project and requires that the Applicant acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development. This requirement will be included as a Condition of Approval.

### 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:

According to the San Joaquin Valley Air Pollution Control District (Air District): 1) the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10; 2) the project will not have significant adverse impact on air quality; and 3) is not subject to Air District Rule 9510 (Indirect Source Review). The Air District also indicated that its evaluation of a Health Risk Assessment (HRA) performed for the project concludes that the emissions from the sources resultant of this project will have less than significant impact.

However, the project may be subject to an Authority to Construct (ATC) and would require the project proponent to contact the Air District's Small Business Assistance office for the filing of an ATC. Other Air District Rules that may apply to this proposal include District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. These requirements will be included as Project Notes.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not create objectionable odors to affect people on or around the proposed facility.

The Air District reviewed the project and did not express specific concerns related to odor except that the project may be subject to District Rule 4102 (Nuisance). This Rule applies to any source operation which may emit air contaminants (including odor) or other materials.

#### 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); or
- 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: NO IMPACT:

The project is located in an agricultural area and has been disturbed by the operation of the existing pistachio huller facility. The site and the neighboring parcels have also been pre-disturbed with farming operations and as such do not provide habitat for state or federally-listed species. Additionally, the site does not contain any riparian features or wetlands or waters under the jurisdiction of the United States.

The project application package was provided to the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for review and comments. No concerns were expressed by either agency.

- 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?

FINDING: NO IMPACT:

The project site is farmland developed with a pistachio huller facility. No wildlife or fish movement features (*e.g.*, waterways, arroyos, ridgelines) or any wildlife nursery sites are present on the property. The project will not impact these resources.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project site contains no trees and therefore is not subject to the county tree preservation policy or ordinance. No other ordinances or policies of this nature applicable to this site.

- 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: NO IMPACT:

The project site is not within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan. The project will not conflict with the provisions of such a Plan.

## 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:

Although the project site is not within or near an area sensitive to historical, archeological or paleontological resources, finding of a cultural resource is always a possibility. As such, a mitigation measure would require that in the event that cultural materials, including human remains, are unearthed during construction, all work is to be halted in the area of the find, and an archeologist shall be called in to evaluate the findings in order to make any necessary mitigation recommendations.

\* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

- 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 implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074. The Table Mountain Rancheria reviewed the proposal and expressed no concerns with the subject project.

## 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?

FINDING: NO IMPACT:

The project site does not contain any active earthquake faults, nor is it located within a designated Alquist-Priolo Earthquake Fault Zone.

2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area of low probability for exposure to strong ground shaking. The potential for seismic-related ground failure (liquefaction, lateral spreading, and lurching) occurring on the project site is minimal due to the absence of high groundwater levels and saturated loose granular soil on the property. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on site.

No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides. Construction of the project will be subject to the Seismic Zone 3 Standards.

4. Landslides?

FINDING: NO IMPACT:

The project site contains naturally flat relief which precludes the possibility of landslides on site.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Compaction and over covering of soil will result due to the construction of buildings and structures for the project. Changes in topography and erosion could also result from site grading.

The Development Engineering Section of the Development Services Division reviewed the proposal and requires the following: 1) any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards; and 2) a Grading Permit or Voucher may be required for any grading proposed with this application. These requirements will be included as Project Notes and addressed through Site Plan Review recommended as a Condition of Approval.

- 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: LESS THAN SIGNIFICANT IMPACT:

As discussed earlier, the project site's liquefaction and landslide potential is low. The development of the project would implement all applicable requirements of the most recent California Building Standards Code and as such would not expose persons to hazards associated with seismic design of buildings and shrinking and swelling of expansive soils.

- 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:

All new restroom facilities for the project will require installation of an on-site sewage disposal system.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns related to soils capabilities to support new sewage disposal systems on the property.

## 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: LESS THAN SIGNIFICANT IMPACT:

Comments received from the Air District expressed no specific project-related concerns, supporting the determination that the project will not generate greenhouse gas emissions that may have a significant impact on the environment. The project emission will adhere to the Air District requirements as noted in Section III. A.B.C.D. Air Quality.

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires that facilities proposing to 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. Further: 1) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 2) all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as Project Notes.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the proposed facility will be required to submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division and handle all hazardous waste in accordance with the California Health and Safety Code regulations.

The project is not located within one quarter-mile of a school. The nearest school, Firebaugh High School, is approximately 4.8 miles northeast of the project site.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- 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, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, William Robert Johnston Municipal Airport, in City of Mendota is approximately 8.6 miles southeast of the site.

- 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 site is located in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

- 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 not within or adjacent to a wildland fire area. The project will not expose persons or structures to wildland fire hazards.

## 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 SIGNIFICATION IMPACT:

See discussion above in Section VI. E. Geology and Soils for waste discharge resulting from new sewage disposal systems on the property.

The subject proposal would allow expansion of an existing pistachio hulling facility by expanding hulling, drying and storing capabilities and by adding pre-processing, seasoning and packaging operations on a 154.29-acre parcel. The expansion would increase pistachio processing capabilities by 25 million pounds per year from the current approved 15 million pounds per year approved under CUP No. 3417.

According to the Applicant's Operational Statement, the proposed expansion would increase process wastewater discharges from approximately 33 million gallons per year to 66 million gallons per year and add pre-processing and seasoning operations at the facility. Existing on-site process water storage and treatment would include wastewater discharge using the same approach as existing operations: mechanical screens for solids/liquids separation, on-site storm water pond, and hulling water settling storage pond to facilitate distribution to existing irrigation systems serving adjoining farmland. Irrigation of land resulting from this proposal will be supplemental to the irrigation of land previously approved by Conditional Use Permit (CUP) No. 3417.

The State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) reviewed the proposal and stated that under CUP No. 3417, the SWRCB-DDW required the facility to obtain an Alternative Water Exclusion Agreement with Westlands Water District because at that time the proposed facility would not exceed 24 persons for more than 60 days per year. With the proposed expansion, the prior agreement is no longer applicable, and the project will meet the definition of a non-transient non-community

(NT/NC) water system. The SWRCB requires project compliance with the following requirements: 1) the facility shall be classified as a NT/NC public water system once the facility population exceeds 24 persons for more than 60 days per year which will require submittal of a technical report for the surface water treatment plant and distribution system to DDW at least six months prior to initiating construction of the water system; 2) the technical report shall be accompanied by a Technical, Managerial and Financial Capacity Assessment; and 3) the project compliance with Senate Bill (SB) 1263 regarding the meeting of drinking water standards shall be demonstrated through a technical report. These requirements will be included as Project Notes.

The Central Regional Water Quality Control Board (RWQCB) also reviewed the proposal and requires the following: 1) a revised Report of Waste Discharge including a revised water balance to the Water Board prior to initiating discharges over that proposed in the original Report of Waste Discharge; 2) additional information on the proposed pre-processing and seasoning operation; and 3) the revised Report of Waste Discharge should characterize the quality of the wastewater generated from the pre-processing and seasoning operations, particularly for salts, and revise the anti-degradation analysis to demonstrate that the proposed discharge will not degrade groundwater quality or cause exceedances of water quality objectives. These requirements will be included as Project Notes.

- 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 WITH MITIGATION  
INCORPORATED:

According to the Applicant's Operational Statement, the project will use approximately 66,000,000 gallons of water per season primarily in hulling operations (33,000,000 gallons for the existing approved operations and 66,000,000 gallons for the proposed expansion). Due to the seasonal nature of the processing plant, the amount of water used per day will be up to 3,000,000 gallons per day during the peak harvest season and approximately 1,500,000 gallons per day at the beginning and end of the harvest season.

The source of water supply would continue to be Westlands Water District. The facility currently provides bottled water for human consumption under an alternative Water Exclusion via Westlands Water District. As a result of the Project, more than 24 persons will be employed year-round and the facility will serve 25 or more of the same employees at least six months of the year. Therefore, a drinking water treatment and storage system is required by the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW). Based on the proposed number of service connections and population served, the drinking water system would be regulated as a non-transient non-community water system and a water system application will be required to be submitted to the SWRCB-DDW prior to an employee increase that would exceed the alternative water exclusion criteria. This will be included as a Mitigation Measure:

\* **Mitigation Measure**

1. *A drinking water treatment and storage system is required and a water system application shall be submitted to the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) prior to an employee increase at the facility that would exceed the alternative water exclusion criteria.*

The Fresno County Water/Geology/Natural Resources Section of the Development Services Division reviewed the project and given the property is not in a low-water area expressed no concerns with the proposal. The project construction and/or operations will not deplete groundwater supplies.

- 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:

No stream or river exists on the property.

As noted above in Section VI. B. Geology and Soils, any changes to the existing drainage pattern resulting from this proposal will be subject to review and approval of an Engineered Grading and Drainage Plan and a Grading Permit or Voucher from the Development Engineering Section of the Development Services Division. Additionally, any run-off generated by the site development will be required to be retained on site per County Standards. These requirements will be included as Project Notes and will be addressed through Site Plan Review recommended as a Condition of Approval.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above.

- 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 Federal Emergency Management Agency (FEMA) FIRM Panel 1420H, the subject property is not subject to flooding from the one-percent (1%)-chance rain.

- 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 subject site is not prone to a seiche, tsunami or mudflow, nor is the project likely to expose persons or structures 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 City of Firebaugh is approximately five (5) miles northeast of the proposal.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING LESS THAN SIGNIFICANT IMPACT:

The subject property is designated Agriculture in the Fresno County General Plan and outside the Sphere of Influence (SOI) of a city. As such, the subject proposal will not be in conflict with any land use plan, policy, or regulation of an agency with jurisdiction (other than County) over the project.

The County General Plan allows pistachio huller facilities in an agriculturally-zoned area by discretionary land use approval provided they meets applicable General Plan policies. The subject proposal meets Policy LU-A.3 in that the proposed expansion of the facility will be confined within the footprint of the area currently being utilized by the facility; the project site is not located on a prime farmland; no groundwater resources will be impacted as the facility will continue utilizing water provided by Westlands Water District; and the nearest city, City of Firebaugh, can provide an adequate workforce. The project also meets Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14 in that the project is a compatible use pursuant to Policy LU-A.3 and the project site will remain separated from surrounding farming operations by the existing perimeter fencing. Policy PF-C.17 and Policy PF-D.6 are met in that the proposal will continue to receive sustainable water supply from Westlands Water District and will utilize on-site sewage disposal systems, as no community sewer system is currently available to the property.

- 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:

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area as 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 project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal 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:

The project site is not located near an airport. The nearest airport, William Robert Johnston Municipal Airport, is approximately 8.6 miles southeast of the site.

### 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:

The project will not result in an increase of housing, nor will it otherwise induce population growth.

### 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: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District (CalFire) reviewed the proposal and requires the following: 1) The project shall comply with the California Code of Regulations Title 24 – Fire Code, requiring approval of County-approved site plans by the Fire District prior to issuance of building permits by the County; and 2) the project/development shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes and addressed through Site Plan Review recommended as a Condition of Approval.

- 2. Police protection; or
- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact existing public services, nor will it result in the need for additional public services related to schools, parks or police protection by the Fresno County Sheriff's Office.

## 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:

The project will not impact neighborhood or regional parks.

## 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: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

According to the Applicant's Operational Statement, the subject proposal will generate truck and employee traffic trips in addition to traffic trips currently generated by the existing pistachio huller facility. The facility expansion will result in the hiring of 88 additional year-round employees and up to 41 additional peak-month seasonal employees. When adding the existing employees, there would be a total of 95 year-round employees and 145 seasonal employees.

The County Design Division of the Department of Public Works reviewed the proposal and the focused traffic impact study prepared for CUP No. 3417 which authorized the existing pistachio huller facility on the property. The Design Division required that another focused study shall be prepared for the project focusing on the pavement analysis for the road(s) that serves the project site. A Traffic Impact Study (TIS) was prepared by KD Anderson & Associates, Inc. dated March 23, 2017 to assess the impact of the project on the adjacent roadway pavement along Jerrold Avenue from the project access to Bullard Avenue. According to the TIS, the project is expected to generate 1,368 daily trips during the peak 6-week season when pistachios are harvested and delivered to the project site. Of these daily trips, 712 will be trucks. In the proceeding two-week peak-season period, 736 daily trips will be generated, 80 of those being trucks. During the remainder of the year, 384 daily trips are projected, 32 of which will be trucks. Further, a pavement analysis based on the California Department of Transportation (Caltrans) method to determine truck traffic loads by direction was completed. During 'No Project' off-season conditions in February, the TI (Traffic Index) in the northbound direction is 6.5, while the TI in the southbound direction is 7.0. Under



'plus Project' conditions, the TI in both directions will increase to 8.0. During 'No Project' seasonal conditions in August, the TI in both directions is 8.0. Under 'plus Project' conditions, the TI in both directions will increase to 9.0.

The TIS concluded that the project will cause a significant impact on the roadway pavement. While the County provides the option for the project to pay their fair share of improvements, the cumulative development indicates little growth in this area. Roadway improvements, therefore, may not occur through a fair share program until towards the end of the projected buildout. Therefore, the project Applicant shall construct a pavement overlay along Jerrold Avenue from the project entrance to Bullard Avenue based on a TI (Traffic Index) of 9.0.

According to the review of the TIS by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, the Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Jerrold from Bullard to past the project site entrance, the thickness of which should be based on achieving an overall structural section to satisfy a Traffic Index (TI) of 9.0, ~~Furthermore: 1) plans for the overlay work shall be submitted to the Road Maintenance and Operations Division (RMO) for review and approval;~~ and **submit plans for the overlay work to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval. This requirement will be included as a Mitigation Measure.**

\* **Mitigation Measure**

- 1. To address project-related impacts to Jerrold Avenue and per the conclusions of the Traffic Impact Study prepared for the project by KD Anderson & Associates, Inc., dated March 23, 2017, the Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Jerrold Avenue from Bullard Avenue south to the project site entrance (approximately 1-3/16 miles) using their own contractor, with a thickness based on achieving an overall structural section to satisfy a Traffic Index (TI) of 9.0, and submit plans for the overlay work to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval.***

2) ~~the~~ **Additionally, the** contractor shall obtain an encroachment permit from the RMO prior to performing the work. ~~These~~ **This** requirements will be included as a ~~Conditions of Approval~~ **Project Note**.

The Design Division also reviewed the proposal, concurred with RMO comments, and offered no comments 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. The project site is located approximately 8.6 miles southeast of the nearest airport (William Robert Johnston Municipal Airport). The tallest proposed structure (62.6-foot silos) on the property will not impact air traffic.

D. Would the project substantially increase traffic hazards due to design features?

FINDING: NO IMPACT:

The project does not propose to alter existing roadway designs within the project area, which has been designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features. No concerns related to this proposal were expressed by the Road Maintenance and Operations Division except those related to road overlay as noted above.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The main access to the project site will continue to be from Jerrold Avenue. However, a secondary entrance will be added off Shaw Avenue to facilitate traffic circulation during harvest.

The project will not change emergency access to the site or affect access to nearby uses. Further review of emergency access will occur at the time the project is reviewed by the Fresno County Fire Protection District during the Site Plan Review recommended as a Condition of Approval and prior to issuance of building permits.

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. As such, no impacts associated with public transit or pedestrian and bicycle hazards are expected from this proposal.

## XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

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.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICATION 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:

See discussion in Section IX. A. Hydrology and Water Quality.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project will generate small amounts of commercial waste consisting of cardboard or plastics. All solid wastes will be sent to the local land fill through regular trash collection service.

## 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 would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species. No impacts on biological resources were identified in the analysis. Impacts to cultural resources as identified in Section V. A. B. C. D. will be mitigated to a less than significant level.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been analyzed for potential impacts, and appropriate project-specific mitigation measures have been developed to reduce project impacts to less than significant levels.

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 aesthetics and cultural resources, which will be addressed with the Mitigation Measures discussed in Section I. D. and Section V. A. B.C. D.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project would not directly or indirectly cause substantial adverse effects on human beings. Air quality, hazardous materials, hydrology and water quality, and noise would have the only potential effects through which the project could have a substantial effect on human beings. However, all potential effects of the proposed project related to air quality, hazardous materials and hydrology and water quality are identified as less than significant. The impact analysis included in this report indicates that for all other resource areas, the proposed project would either have no impact, less than significant impact, or for impacts that would not affect human beings, less than significant impact with mitigation incorporated.

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3558, 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 biological resources, mineral resources, noise, population and housing, and recreation.

Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, cultural resources, hydrology and water quality, and transportation/traffic 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.

## EXHIBIT 9

File original and one copy with: <b>Fresno County Clerk</b> <b>2221 Kern Street</b> <b>Fresno, California 93721</b>		Space Below For County Clerk Only.  <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: IS 7240	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Horizon Nuts, LLC		Project Title: Classified Conditional Use Permit Application No. 3558		
Project Description: Allow expansion to an existing pistachio huller facility authorized by Conditional Use Permit No. 3417 to include expansion of hulling, drying and storage capabilities including pre-processing, seasoning and packaging operations. The use includes 54-foot-high storage silos on a 154.29-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project is located on southeast corner of N. Jerrold Avenue and W. Shaw Avenue approximately five (5) miles southwest of the City of Firebaugh (4946 N. Jerrold Avenue, Firebaugh, CA) (SUP. DIST. 1) (APN 011-100-07S,-14S,-15S,-16S,-17S,-20S,-23S,-24S).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7240) prepared for Classified Conditional Use Permit Application No. 3558, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to, biological resources, mineral resources, noise, population and housing, and recreation.  Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, public services, and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics, cultural resources, hydrology and water quality, and transportation/traffic have been determined to be less than significant with the identified mitigation measure.  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – June 16 , 2017			Review Date Deadline: Planning Commission – July 20, 2017	
Date: June 12, 2017	Type or Print Name: Chris Motta, Principal Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

### LOCAL AGENCY MITIGATED NEGATIVE DECLARATION