



## Inter Office Memo

---

DATE: July 20, 2017  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12661 - INITIAL STUDY APPLICATION NO. 7240 and  
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3558

APPLICANT/  
OWNER: Horizon Hut, LLC

REQUEST: 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).

### PLANNING COMMISSION ACTION:

At its hearing of July 20, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Borba to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3558, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12661

This motion passed on the following vote:

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

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

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services Division

WMK:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3558\RESOLUTION\CUP3558 Reso.docx

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

Attachments

EXHIBIT A

Initial Study Application No. 7240  
Classified Conditional Use Permit Application No. 3558

Staff: The Fresno County Planning Commission considered the Staff Report dated July 20, 2017, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:

- An environmental study was completed for the project.
- The project will not generate significant traffic to impact county roadways

Others: No other individuals presented information in support of or in opposition to the application. A staff member from the County Road Maintenance and Operations Division clarified a mitigation measure included in the staff report about improving the pavement section of Jerrold Avenue to satisfy a Traffic Index (TI) of 9.0.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EJ:ksn  
G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3500-3599\3558\RESOLUTION\CUP3558 Reso.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)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
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

EXHIBIT B

	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 inconveniences 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 required 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.	<p>Per the Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <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.	<p>Per the San Joaquin Valley Air Pollution Control District (Air District), the project shall comply with the following:</p> <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.	<p>The existing pistachio huller facility receives water through Westlands Water District's (WWD) Municipal and Industrial (M&amp;I) supply. The regulations governing the use of M&amp;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&amp;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:</p> <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.	<p>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.</p>
11.	<p>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</p>

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\RESOLUTION\CUP3558 MMRP (Ex B).docx



# County of Fresno

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

September 8, 2017

Horizon Hut, LLC  
26487 N. Highway 99  
Tulare CA 93274

Dear Applicant:

Subject: Resolution No. 12661 - Initial Study Application No. 7240 and Classified  
Conditional Use Permit Application No. 3558

On July 20, 2017, the Fresno County Planning Commission approved your Classified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

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

Sincerely,

Ejaz Ahmad, Planner  
Development Services Division

EJ:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3558\RESOLUTION\CUP3558 Reso.docx

Enclosure