



Inter Office Memo

DATE: August 11, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12589 - INITIAL STUDY APPLICATION NO. 7001 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3505

APPLICANT/
OWNER:

Eriksson, LLC

REQUEST: Allow a pistachio processing facility (hulling, drying, processing, storage and off-site shipment) with related facilities including 62.6-foot-tall silos on an approximately 34-acre portion of two contiguous parcels totaling 60.2 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and allow wastewater from hulling operations of the said facility to be discharged off site onto 3,787.26 acres of farmland in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project area is bordered by Fresno Slough and Elkhorn, and Chateau Fresno and Harlan Avenues, with the project site located at the southeast corner of W. Cerini and S. Westlawn Avenues, approximately 3,550 feet northwest of the unincorporated community of Lanare (19210 S. Westlawn, Riverdale, CA) (SUP. DIST. 4) (APNs 041-140-12, 30, 49; 050-010-01, 03, 06; 050-170-35, 39; 050-181-04, 06; 050-182-13, 30, 36; 050-200-27; 050-211-01, 19, 20; 050-240-15, 18, 19, 23, 36, 40; 050-270-11, 12, 55; 053-050-07, 22, 50, 51, 53, 56; 053-420-01S, 02S).

PLANNING COMMISSION ACTION:

At its hearing of August 11, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Egan 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. 3505, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7001
Classified Conditional Use Permit Application No. 3505

Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2016, 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:

- We will be processing pistachios grown on our farms.
- The proposed facility will have the capacity to process 15 to 20 million pounds of pistachios annually; if necessary, we will also process pistachios for other farmers.
- We will ship pistachio off site for packaging and marketing.
- Four water wells will provide water to the facility and are located one to three quarter-miles of the project site.
- The wells at one quarter-mile pump approximately 1,100 gallons per minute and the wells at three quarter-miles pump 1,500 to 2,000 gallons per minute.
- All wells are tested for water quality and are monitored regularly; we monitor wells near existing homes more strictly than required by the California Regional Water Quality Control Board.
- We will be pumping approximately 20 million gallons of groundwater (55 acre feet) for the project.
- Wastewater from the facility is maximally purified prior to releasing to irrigate farmland.
- We will work with the Fire Department for on site storage of water to be used for fire suppression.

Others: No other individuals presented information in support of the application.

One individual presented information in opposition to the application indicating that the application of wastewater on farmland will impact the water quality of his domestic well.

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

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7001/Classified Conditional Use Permit Application No. 3505
(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 grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours. | Applicant | Applicant/PW&P | As noted |
| Conditions of Approval | | | | | |
| 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. | To replenish the groundwater resources, processed wastewater from the facility shall be applied onto farmland to the maximum extent feasible at the location water was originally mined from to provide for the facility operation. | | | | |
| 4. | The Riverdale Irrigation District (RID) North Turner Ditch runs along the northern boundary of the parcel identified by APN 053-420-01S. RID has a 60-foot right-of-way at this section of the ditch. All facilities shall stay off of the North Turner Ditch right-of-way and no discharge water shall be placed in the District ditch. | | | | |
| 5. | Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development. | | | | |

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| 6. | As required by the Consolidated Mosquito Abatement District, any and all wastewater/process water applied to farmland shall infiltrate within 48 hours of the application; ponds shall be rapidly filled and/or dewatered to preclude the growth of emergent vegetation and ponds to hold water in excess of seven days shall be designed to maintain water depths in excess of four feet to preclude invasive emergent vegetation; pond edges must be maintained free of excess vegetation to prevent harborage for mosquito breeding and so that mosquito fish and other predators are not inhibited; and, free and unencumbered access to the pond perimeter for vehicle and foot traffic shall be provided for inspection and mosquito control activities. |
| 7. | Drought-tolerant landscaping, including trees and shrubs, shall be provided on the property. A landscaping plan which illustrates landscaping and irrigation shall be submitted to the Department of Public Works and Planning for review and approval prior to the issuance of Building Permits. The landscaping shall be completed prior to occupancy. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). |
| 8. | All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles. |

*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.

Project Notes

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| The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant. | |
| 1. | This Use Permit will become void unless there has been substantial development within two years of the effective date of approval. |
| 2. | Plans, permits and inspections are required for all proposed structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. 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. | <p>According to the Site Plan Review Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. • An asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving the project site. • The driveway shall be concrete or asphalt concrete paved a minimum width of 24 feet for the first 100 feet off of the edge of the road right-of-way. • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. • Future improvements should require Site Plan Review at time of submittal for compliance of zoning requirements should no additional land use review be required. <p>Note: The aforementioned requirements will be addressed through Site Plan Review.</p> |
| 4. | <p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal |

Project Notes

- will be handled without adversely affecting adjacent properties.
- A Grading Permit or Voucher is required for any grading proposed with this application.
- Any work done within the right-of-way to connect a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division.
- A 10-foot by 10-foot corner cutoff should be improved for sight distance purposes at the existing driveway onto Westlawn Avenue.

5. Fresno County Department of Public Health, Environmental Health Division (Health Department):

- 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.
- As a measure to protect groundwater, any abandoned water wells that exist on the property that are not intended for use shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the Applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Health Department prior to commencement of work.
- Should any abandoned underground petroleum storage tank(s) be found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department.

6. Per the Fresno County Fire Protection District:

- 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 may be subject to joining the Community Facilities District (CFD) before plans are submitted to the Fresno County Fire Protection District.

7. According to the San Joaquin Valley Unified Air Pollution Control District (Air District), prior to start of construction, the project shall be subject to an Authority to Construct (ATC). The project may also be subject to the following rules and regulations: District Regulation VIII (Fugitive Dust Rules) to address impacts related to PM-10; Rule 4102 (Nuisance) to address any source operation that emits air contaminants or other materials; Rule 4601 (Architectural Coatings); and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).

8. As requested by the Naval Air Station (NAS), Lemoore:

- The project shall be evaluated through the Federal Aviation Administration's (FAA) Obstruction Evaluation/Airport Airspace

Project Notes

Analysis (OE/AAA).

- Per Title 14 of the Code of Federal Regulations (14 CFR) Part 77, the Applicant shall file FAA Form 7460-1 with the FAA at least 45 days prior to construction of the project.

9.

Per the Regional Water Quality Control Board, Central Valley Region (Water Board):

- The use of up to 61 acre-feet of pistachio processing wastewater on approximately 3,787.26 acres of cultivated farmland would be subject to Regional Water Quality Control Board Waste Discharge Requirements.
- Water Code Section 13260 requires that any person discharging waste or proposing to discharge waste shall file with the regional board a Report of Waste Discharge (RWD).
- Section 13264 of the Water Code states that no person shall initiate any new discharge of waste or make any material changes in any discharge prior to filing the report required by Section 13260, and no person shall take any of these actions after filing the report, but before whichever of the following occurs first: 1) the issuance of waste discharge requirements pursuant to Section 13263; 2) the issuance of a waiver pursuant to Section 13269; and 3) the expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance given the regional board is a responsible agency for purposes of CEQA and at least 90 days have expired since certification or approval of environmental documentation by the lead agency.



County of Fresno

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

September 22, 2016

Eriksson, LLC
3215 W. Howard Avenue
Visalia CA 93277

Dear Applicant:

Subject: Resolution No. 12589 - Initial Study Application No. 7001 and Classified
Conditional Use Permit Application No. 3505

On August 11, 2016, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

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

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

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Enclosure