



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 4 December 17, 2015

SUBJECT: Initial Study Application No. 7021 and Classified Conditional Use Permit Application No. 3510

Allow an increase in land application area for processed wastewater from 4,676.66 acres to 6,263.08 acres (an additional 1,586.42 acres) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District for wastewater discharged from an existing tomato processing plant located on a 58.26-acre parcel in the AE-20 Zone District.

LOCATION: The project site is bordered by W. Palmer, S. Madera, W. Gale and S. Lassen Avenues adjacent to the City of Huron (19800 W. Gale Avenue, Huron) (SUP. DIST. 4) (APNs 075-032-24S, 25S, 26S, 27S, 28, 71ST, 72S; 075-050-19S, 23S, 24S, 37S, 39S, 46S).

OWNER: Los Gatos Tomato Products
APPLICANT: Chris Woolf

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7021; and
- Approve Classified Conditional Use Permit Application No. 3510 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 Plan
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 7021

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

| Criteria | Existing | Proposed |
|--------------------------|---|--|
| General Plan Designation | Agriculture | No change |
| Zoning | AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) | No change |
| Parcel Size | 4,676.66 acres | 1,586.42 acres |
| Project Site | Cultivated farmland | Allow an increase in land application area for processed wastewater from 4,676.66 acres to 6,263.08 acres (an additional 1,586.42 acres) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District for wastewater discharged from an existing tomato processing plant |
| Structural Improvements | A tomato processing plant with related facilities on a 60-acre parcel | None |
| Nearest Residence | Approximately 110 feet north in the City of Huron | No change |
| Surrounding Development | Cultivated farmland; single-family residences | No change |
| Operational Features | A tomato processing plant with related facilities on a 60-acre parcel | Allow an increase in land application area for processed wastewater from 4,676.66 acres to 6,263.08 acres (an additional |

| Criteria | Existing | Proposed |
|--------------------|--|---|
| | | 1,586.42 acres) for wastewater discharge from an existing tomato processing plant. The project: <ul style="list-style-type: none"> • Will use a series of ditches and pipelines to irrigate cultivated farmlands. • Will not construct any above-ground improvements or expand facilities or operations at the plant. |
| Employees | 160; peak season; June to October 40; non-peak season | No change No change |
| Customers | A few: those conducting business related to processing tomatoes | No change |
| Traffic Trips | 340 truck trips per day 140 employee trips per day, during peak season 40 employee trips per day, five days per week, during non-peak season | No change |
| Lighting | Outdoor lighting at tomato processing plant | No change |
| Hours of Operation | 8 to 12 hours a day, five days a week, during peak and non-peak season | No change |

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL DETERMINATION:

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 included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: November 16, 2015

PUBLIC NOTICE:

Notices were sent to 109 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) Application may be approved only if four Findings specified in 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:

According to Fresno County records, the Fresno County Planning Commission approved Classified Conditional Use Permit Application No. 2405 on September 21, 1989 to allow a tomato processing plant on a 58.26-acre parcel with approximately 2,453 acres of wastewater disposal area. Subsequent to that, on February 18, 1999, the Planning Commission approved Classified Conditional Use Permit Application No. 2889 to allow expansion of the plant in two phases by adding additional equipment (cooling tower, boiler, and evaporator), a 3,600 square-foot parts storage building, a 204,000 square-foot paved area for additional bin storage, as well as expanding the existing wastewater disposal area by 2,592 acres. Currently, approximately 4,676.66 acres of farmland receive processed wastewater from the plant under a permit (WDR No. 5-00-267) issued by the Regional Water Quality Control Board (RWQCB), Central Valley Region.

Under the current request, the Applicant is proposing to allow an increase in land application area for processed wastewater from 4,676.66 acres to 6,263.08 acres (an additional 1,586.42 acres) to account for future expansion of the tomato processing. According to the Applicant, during the tomato processing season, the plant can discharge up to 4 million gallons per day (MGD) with a monthly average of 2.5 MGD. With the addition of land for discharge requested by this application, up to 6 MGD could be accommodated with an average of 3.8 MGD. Other than increased land application area, no above-ground structures or improvements are proposed by this application.

An amendment to the existing Report of Waste Discharge (RWD) prepared by the Applicant was submitted to the Regional Water Quality Control Board (RWQCB), Central Valley Region. RWQCB reviewed the RWD and informed the Applicant that in order to secure a revised WDR Order accommodating the increased land application area and discharge volume, a discretionary land use approval was needed from Fresno County with an environmental review conducted according to the California Environmental Quality Act (CEQA). Per the County Zoning Ordinance Section 816.3-A, application of processed wastewater on farmland in the AE-20 Zone district requires a Conditional Use Permit. The subject application filed by the Applicant is to fulfil this requirement.

ANALYSIS/DISCUSSION:

Finding 1: 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.

| | Current Standard: | Proposed Operation: | Is Standard Met (y/n) |
|------------------------------|---|----------------------------|------------------------------|
| Setbacks | Front 35 feet; Sides 20 feet; Rear 20 feet | N/A; no building proposed | N/A |
| Parking | No requirement | N/A | N/A |
| Lot Coverage | No requirement | N/A | N/A |
| Separation Between Buildings | Separation between animal shelter and building for human occupancy: 40 feet | N/A; no building proposed | N/A |
| Wall Requirements | Per Section 855-H.2 of the County Ordinance Code | N/A | N/A |
| Septic Replacement Area | 100 percent for existing system | N/A | N/A |
| Water Well Separation | Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/ cesspool: 150 feet | N/A | N/A |

Reviewing Agency/Department Comments:

No comments specific to the adequacy of the site were received.

Analysis:

Staff review of the Site Plan demonstrates no above-ground structures or improvements are proposed for this application. The project will allow 1585.42 acres of additional farmland to receive processed wastewater from an existing fruit tomato processing plant through a series of ditches and pipelines. The subject land is adequate in size and shape to receive the wastewater discharged from the plant.

Recommended Conditions of Approval:

None

Conclusion:

Finding 1 can be made.

Finding 2: 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.

| | | Existing Conditions | Proposed Operation |
|-------------------------------------|-----|--|--|
| Private Road | Yes | Palmer Avenue, Madera Avenue, Siskiyou Avenue, Tornado Avenue | N/A |
| Public Road Frontage | Yes | Lassen Avenue (State Route 269) Gale Avenue; excellent condition | N/A No change |
| Direct Access to Public Road | Yes | Gale Avenue; excellent condition | No change |
| Road ADT | | 800 | No change |
| Road Classification | | Local | No change |
| Road Width | | 22 feet | No change |
| Road Surface | | Asphalt concrete; excellent condition | No change |
| Traffic Trips | | 340 truck trips per day 140 employee trips per day, during peak season 40 employee trips per day, five days a week, during non-peak season | No change |
| Traffic Impact Study (TIS) Prepared | No | Farmlands with no improvements | No TIS required by the Design Division of the Fresno County Department of Public Works and Planning. |
| Road Improvements Required | | Excellent condition | No change |

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: No concerns related to traffic.

Design Division of the Fresno County Department of Public Works and Planning: No concerns related to traffic.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns related to traffic.

Analysis:

No Traffic Impact Study (TIS) was required by the Design Division of the Fresno County Department of Public Works and Planning. The proposal will not generate additional traffic and will not impact the County or the State roadways. All existing roads will remain adequate to accommodate the proposal.

Recommended Conditions of Approval:

None

Conclusion:

Finding 2 can be made.

Finding 3: *The proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

| Surrounding Parcels | | | | |
|---------------------|-----------------|---|---------|--------------------|
| | Size: | Use: | Zoning: | Nearest Residence: |
| North | 87 acres | City of Huron wastewater treatment facility | AE-20 | None |
| South | 79 acres | Farmland | AE-20 | None |
| East | 318 acres | Farmland | AE-20 | None |
| West | 29 to 313 acres | Farmland; City of Huron Industrial developments | AE-20 | None |

Reviewing Agency/Department Comments:

Regional Water Quality Control Board (RWQCB), Central Valley Region: At least 140 days prior to discharging wastewater onto the land, the Applicant shall submit a revised Report of Wastewater Discharge with the Regional Water Quality Control Board to include an updated list of parcels proposed for disposal of wastewater along with a map delineating these areas. This requirement has been included as a Mitigation Measure. The revised Report of Waste

Discharge shall include correct acreage of parcels for wastewater disposal matching the acreage included in the subject application. This has been included as a Condition of Approval.

Fresno County Department of Public Health, Environmental Health Division: Prior to issuance of building permits, all water wells (not intended for use by the project or for future use) shall be properly destroyed under permit and inspection by the Fresno County Department of Public Health, Environmental Health Division. The destruction and construction of water wells can only be completed by a licensed C-57 contractor. All abandoned septic systems within the project area shall be destroyed under permit by the Department of Public Works & Planning, Building and Safety Section. This has been included as a Mitigation Measure.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: Prior to issuance of building permits, the Applicant shall provide a Will-Serve letter from Westlands Water District for water supply to the project. (Note: The letter has been provided).

Westlands Water District (WWD): Los Gatos Tomato Products (LGTP) is entitled to 722.11 acre-feet per year of water from Westlands Water District and an additional 444 acre-feet per year of water for the subject proposal subject to the District's rules and regulations for Municipal and Industrial (M&I) water supply. LGTP must continue to comply with the District's Backflow Prevention regulations for all current and future water system connections.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher may be required for any grading proposed with this application. Any additional runoff generated by the project cannot be drained across property lines and must be retained or disposed of per the County Standards. According to Federal Emergency Management Agency (FEMA) FIRM Panel 3255H, 3275H, 3250H and 3235, portions of the subject parcels are in Flood Zone A which is subject to a 1 percent-chance storm. If any development is within the areas identified as Zone A, it shall comply with the County Flood Hazard Ordinance (Title 15.48). Any improvements constructed near the Los Gatos Creek shall be coordinated with the owners of the Creek.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall contact the Air District for applicability of an Authority to Construct (ATC) for the project, which may also be subject to the following Air District rules: Air District Regulation VIII (Fugitive PM-10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and 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.

The aforementioned requirements have been included as Project Notes.

Building/Safety and Zoning Sections, and Road Maintenance and Operations and Design Divisions of the Fresno County Department of Public Works and Planning; Fresno County Department of Public Health, Environmental Health Division; Fresno County Fire Protection District; Fresno Metropolitan Flood Control District; Fresno County Department of Agriculture; State Water Resources Control Board (SWRCB), Department of Drinking Water; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; and California Department of Transportation: No concerns with the proposal.

Analysis:

The subject proposal involves an increase in land application area for processed wastewater from 4,676.66 acres to 6,263.08 acres (an additional 1,586.42 acres) for wastewater discharged from an existing tomato processing plant. The water to the plant is provided by Westlands Water District. The plant is entitled to receive up to 772.11 acre-feet per year of water plus an additional 444 acre-feet per year of M&I water to accommodate the subject proposal.

All water currently being discharged onto the 4,676.66 acres of farmland is regulated by the permit (WDR No. 5-00-267) from the Regional Water Quality Control Board (RWQCB), Central Valley Region. During the processing season, the plant can discharge up to 4 million gallons per day (MGD) with a monthly average of 2.5 MGD. With the addition of land requested by this application (1,586.42 acres), up to 6 MGD could be accommodated with an average of 3.8 MGD.

The subject proposal is located in an agricultural area near the City of Huron and involves no above-ground improvements or expansion of facilities or operations at the existing tomato processing plant. A series of ditches and pipelines will be used for delivery and application of processed water onto agricultural fields.

An Initial Study prepared for the project has identified hydrology and water quality as a potential impact. Regarding hydrology and water quality, 140 days prior to discharging wastewater onto the land, a Report of water discharge will be filed with the Regional Water Quality Control Board, Central Valley Region; and all water wells not intended for use by the project will be destroyed under permits and inspections from the Fresno County Department of Public Health, Environmental Health Division. These requirements have been included as Mitigation Measures (Exhibit 1). Another Mitigation Measure which requires a Will-Serve letter from Westlands Water District has been met.

Potential impacts related to air quality and geology and soils are considered to be less than significant. The project will comply with the San Joaquin Valley Air Pollution Control District rules and regulations and will obtain a grading permit or voucher for any grading proposed with the application. These requirements have been included as Project Notes (Exhibit 1).

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 adverse effects upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: The proposed development is consistent with the General Plan.

| Relevant Policies: | Consistency/Considerations: |
|---|--|
| General Plan Policy LU-A.3: County may allow by discretionary permit in areas | With regard to Criteria "a", the proposal requires large farmland to provide for |

| Relevant Policies: | Consistency/Considerations: |
|--|---|
| <p>designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to 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 available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within 1/4 mile radius; d) Probable workforce located nearby or readily available; and f) service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services should be considered.</p> | <p>wastewater disposal outside of urban areas. With regard to Criteria “b”, wastewater from the existing tomato processing plant will be applied on cultivated lands. With regard to Criteria “c”, the project involves no new construction and involves no groundwater usage. Water to the tomato processing plant currently is and will continue to be provided by Westlands Water District (WWD). With regard to Criteria “d”, the nearby City of Huron can provide an adequate workforce for construction of irrigation systems for the project. The proposal is consistent with Policy LU-A.3.</p> |
| <p>General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p> | <p>The subject proposal is not located in a water-short area. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and required a Will-Serve letter from Westlands Water District to indicate that the District will continue to provide water to the tomato processing plant. A letter from WWD has been provided by the Applicant. The proposal is consistent with this policy.</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 PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project.

Analysis:

The subject parcel is designated Agriculture in the Fresno County General Plan. The general objective of the Agricultural policies is to encourage continued agricultural use of the land and to minimize the amount of land converted to non-agricultural uses. The proposal is allowed in the areas designated Agriculture in Fresno County, and meets Policy LU-A.3 criteria a, b, c, d, as discussed above. The proposal also meets Policy PF-C.17 by not using groundwater. The

existing tomato processing plant currently receives and will continue to receive water from Westlands Water District for this proposal.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the required Findings for granting Classified Conditional Use Permit Application No. 3510 can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit Application No. 3510 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7021; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3510, 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 Application No. 3510; 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
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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study (IS) Application No. 7021/Classified Conditional Use Permit (CUP) Application No. 3510
(Including Conditions of Approval and Project Notes)**

| Mitigation Measure | | | | | |
|-------------------------|---|--|-------------------------------|---|-----------|
| Mitigation Measure No.* | Impact | Mitigation Measure Language | Implementation Responsibility | Monitoring Responsibility | Time Span |
| *1. | Hydrology and Water Quality | At least 140 days prior to discharging wastewater onto the land, the Applicant shall submit a revised Report of Water Discharge with the Regional Water Quality Control Board to include an updated list of parcels proposed for disposal of wastewater along with a map delineating these areas. | Applicant | Applicant/ Regional Water Quality Control Board | As noted |
| *2. | Hydrology and Water Quality | Prior to issuance of building permits, all water wells (not intended for use by the project or for future use) shall be properly destroyed under permit and inspection by the Fresno County Department of Public Health, Environmental Health Division. The destruction and construction of water wells can only be completed by a licensed C-57 contractor. All abandoned septic systems within the project area shall be destroyed under permit by the Department of Public Works & Planning, Building and Safety Section. | Applicant | Applicant/ Fresno County Department of Public Health, Environmental Health Division | As noted |
| *3. | Hydrology and Water Quality | Prior to issuance of building permits, the Applicant shall provide a Will-Serve letter from Westlands Water District for water supply to the project. | Applicant | Applicant/ Westlands Water District | As noted |
| Conditions of Approval | | | | | |
| 1. | Development and operation of the use shall be conducted in accordance with the Site Plan and Operational Statement, approved by the Planning Commission. | | | | |
| 2. | The revised Report of Waste Discharge to the Regional Water Quality Control Board (RWQCB), Central Valley Region shall include correct acreage of parcels for wastewater disposal matching the acreage included in the subject application. | | | | |

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

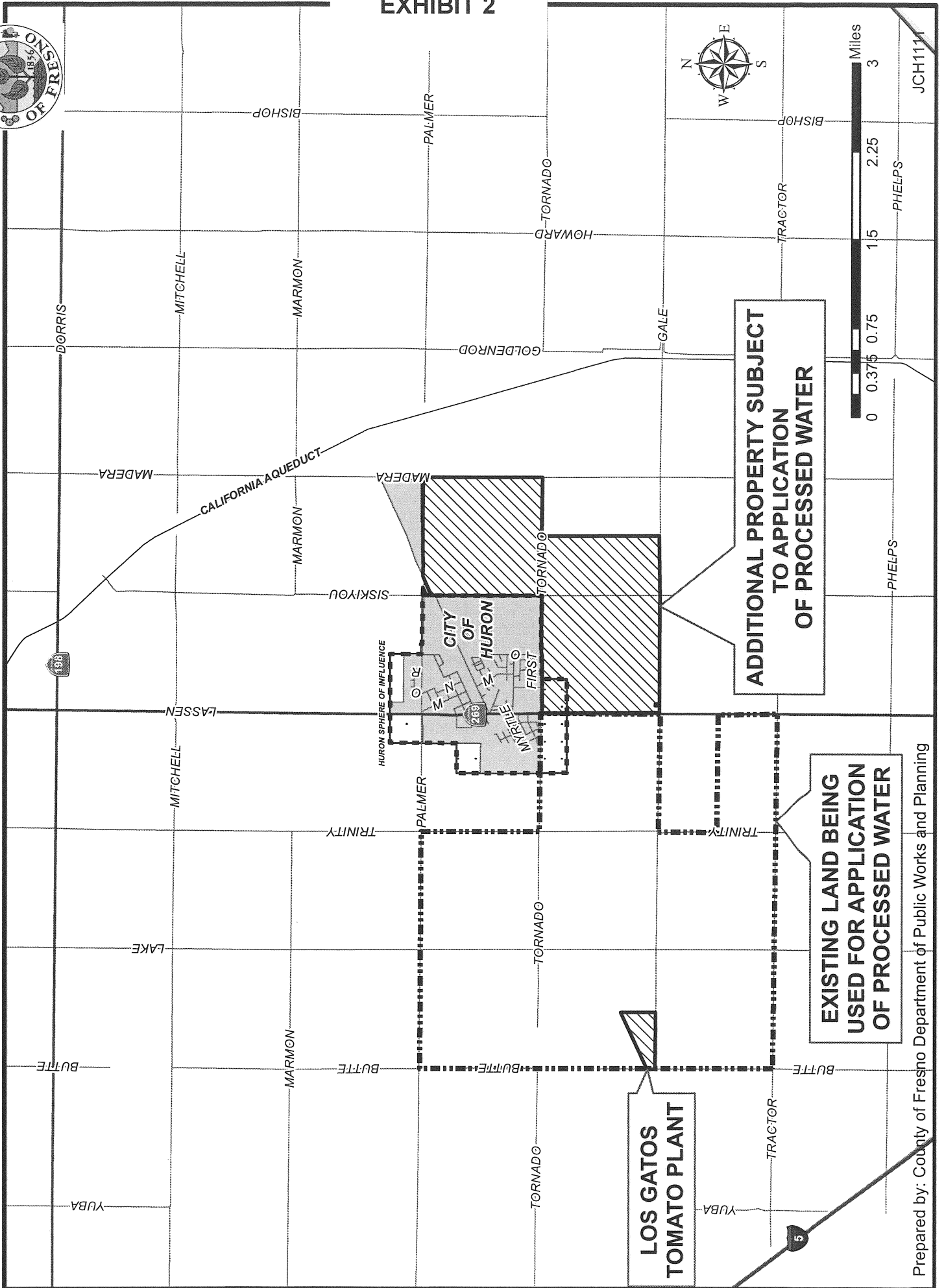
| | |
|----|--|
| 1. | <p>This use permit will become void unless there has been substantial development within two-years of the effective date of this approval.</p> |
| 2. | <p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • A grading permit or voucher may be required for any grading proposed with this application. • Any additional runoff generated by the project cannot be drained across property lines and must be retained or disposed of per County Standards. • According to Federal Emergency Management Agency (FEMA) FIRM Panel 3255H, 3275H, 3250H and 3235, portions of the subject parcel are in flood Zone A which is subject to a 1 percent-chance storm. If any development is within the areas identified as Zone A, it must comply with the County Flood Hazard Ordinance (Title 15.48). • The U.S.G.S Quad Maps show that the Los Gatos Creek is near the northerly property line of some of the subject parcels. Any improvements constructed near the creek shall be coordinated with the owners of the creek. |
| 3. | <p>According to Westlands Water District (WWD):</p> <ul style="list-style-type: none"> • Los Gatos Tomato Products (LGTP) currently receives and is limited to 722.11 acre-feet per year of water from the District's Municipal and Industrial (M&I) water supply. • LGTP is responsible for acquiring additional 444 acre-feet per year of water as desired for the project subject to the District's rules and regulations for Municipal and Industrial (M&I) water supply. • LGTP must continue to comply with the District's Backflow Presentation regulations for all current and future water system connections. |
| 4. | <p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District Air District for applicability of an Authority to Construct (ATC) for the project, which may also be subject to Air District Regulation VIII (Fugitive PM-10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and 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.</p> |

LOCATION MAP

EXHIBIT 2



CUP 3510



ADDITIONAL PROPERTY SUBJECT TO APPLICATION OF PROCESSED WATER

EXISTING LAND BEING USED FOR APPLICATION OF PROCESSED WATER

LOS GATOS TOMATO PLANT

EXISTING ZONING MAP



EXHIBIT 3

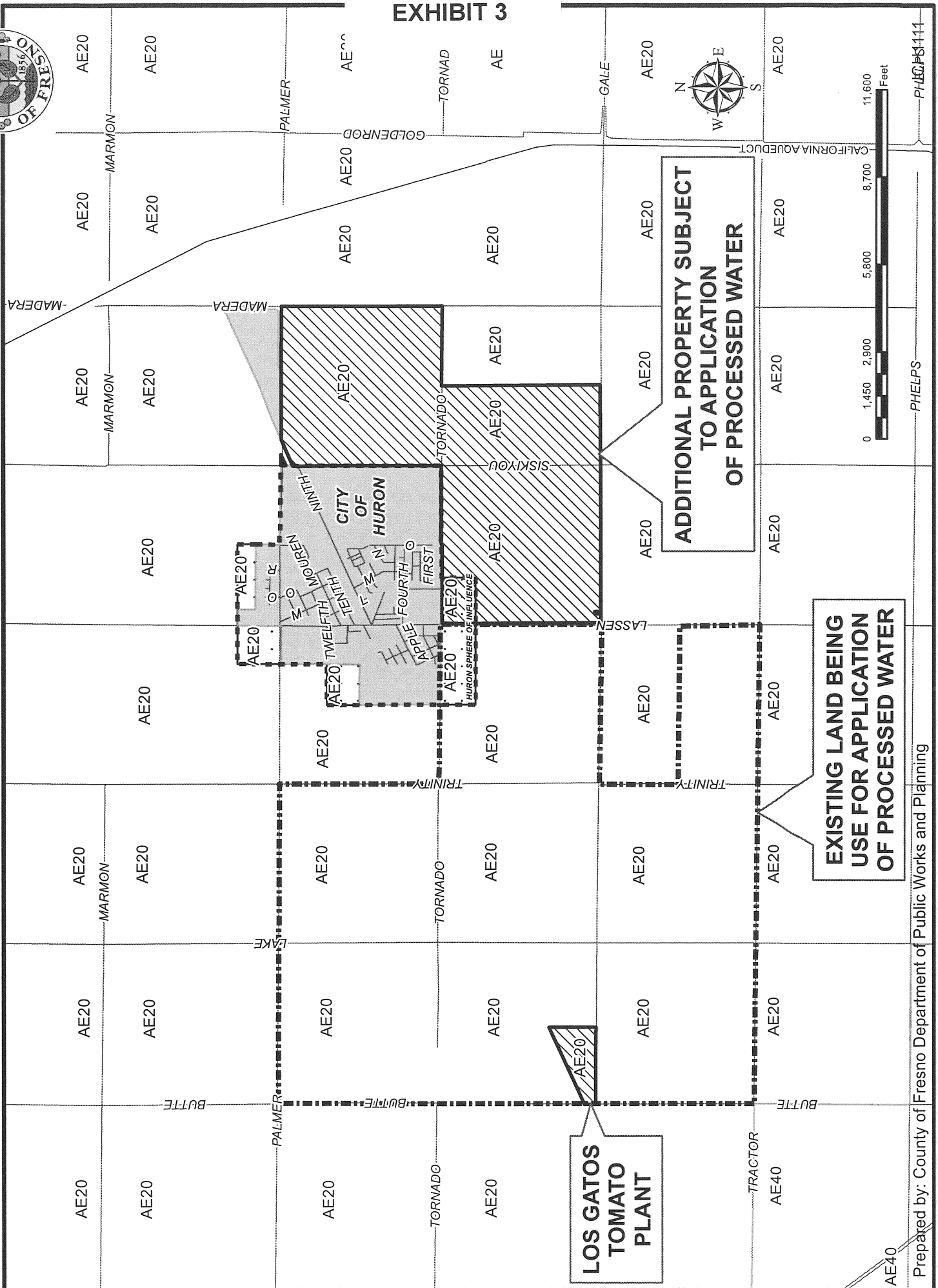




EXHIBIT 4

EXISTING LAND USE MAP

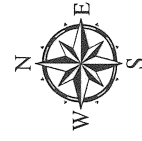
CUP 3510

LEGEND

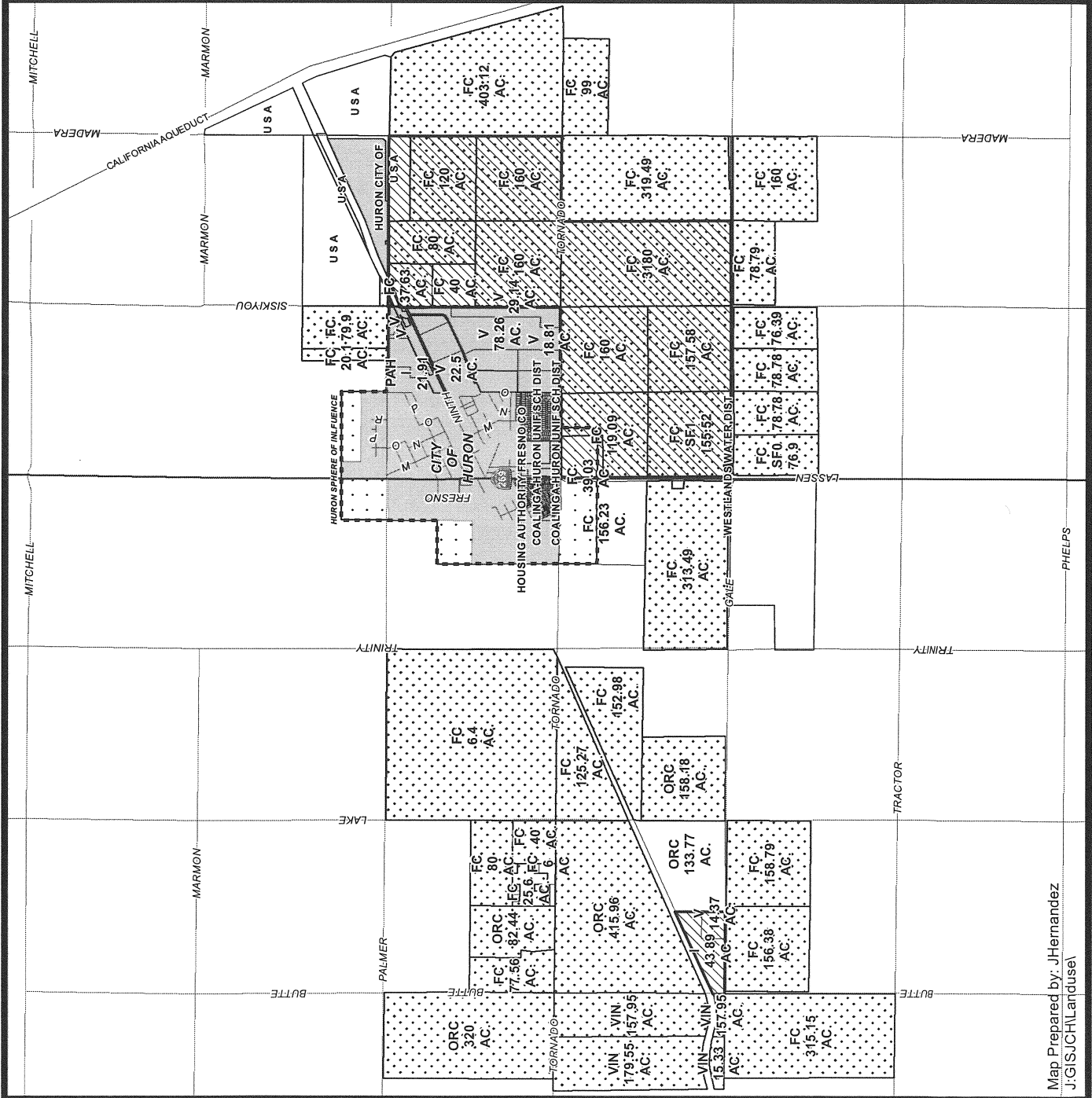
- AP1 - APARTMENT
- C - COMMERCIAL
- C# - COMMERCIAL
- CHU - CHURCH
- FC - FIELD CROP
- I - INDUSTRIAL
- ORC - ORCHARD
- PAH - PACKING HOUSE
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT
- VIN - VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division



Map Prepared by: JHernandez
J:GISJCHLanduse

EXHIBIT 5



Los Gatos
Tomato Products
 Report of Wastewater Discharge
 Cropped Parcels Map

Parcel Boundary
 Cropped Parcel, Already Permitted
 Cropped Parcel, Adding to CUP

PROVOST & PRITCHARD
 EST. 1918
 CONSULTING GROUP
 An Employee Owned Company
 286 W. Cromwell Ave.
 Fresno, CA 93711-6162
 (559) 449-2700

0 0.5 1 Miles
 Rail
 5/8/2015 : \\ppeng.com\pdata\Clients\Advanced Agronomics Consulting-2418241815V1-Los Gatos Tomato Products\GIS\Map\Aerial_Parcel_Map_for_RWD.mxd
 Aerial Imagery: USDA NA/IUP 2014

EXHIBIT 6



CUP 3510

RECEIVED
COUNTY OF FRESNO

AUG 19 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Los Gatos Tomato Products
Conditional Use Permit Pre-Application Review No. 38563

Re: Statement of Intended Use, and Operational Statement

Los Gatos Tomato Products (LGTP), located to the west of the City of Huron, has been in operation since 1991. LGTP processes field tomatoes into paste during a season that runs from late June/early July through late September/early October. During that time frame, the facility operates 24 hours per day.

The facility itself is located on Assessor's Parcel No. (APN) 075-040-49S. Rows of stacked bins are accommodated on APN 075-040-50S and a small portion of 075-040-58S. Parcel 58S also supports a solar PV field with approximate dimensions of 720 feet by 380 feet that provides power to the processing facility. Application of process water occurs on thousands of acres of surrounding agricultural land. APNs for the affected area are provided on attached pages. The overall operation employs approximately 160 people during the production season, who work in three daily shifts, and 45 people during the offseason. Approximately 76 parking spaces, of which four are ADA accessible spaces, are provided. The site is largely open, and provides numerous areas for loading and unloading. Ingress and egress are provided via four paved and gated drive approaches located on the north side of W. Gale Avenue. The site is fenced with six-foot-high chain-link (with privacy slats) topped with three-strand barbed wire. Landscaping in the form of oleander and various other shrubs is included along the Gale Avenue frontage. Numerous onsite trees are visible from Gale Avenue, particularly at the main vehicular entrance (as opposed to the delivery entrances) and surrounding the main structure.

At this time, LGTP wants to allow an expansion of wash and process water land application area, and an increase of wash and process water for an existing tomato processing facility in the AE-20 (Exclusive Agriculture, twenty-acre minimum parcel size) District. The Fresno County Zoning Ordinance requires a classified conditional use permit (CUP) for the operation of food processing facilities and for the discharge of wastewater within the AE-20 (Exclusive Agricultural, 20-Acre Minimum) zone district. The CUP application is applicable to the continued operation of the processing facility and for the expanded use of processing water and an increase in the land application area (LAA). No new buildings or structures of any kind are proposed. The LAA will continue to be farmed in the same manner as at the present time.

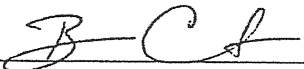
The facility currently operates pursuant to Classified Conditional Use Permit No. 2889, approved in 1999. Appurtenant to that approval, the existing processing water discharge is regulated by RWQCB Waste Discharge Requirements Order No. 5-00-267 issued in 2001. Under the Order, LGTP is allowed to discharge a monthly average flow of 2.5 million gallons per day (MGD), with a daily maximum of 4.0 MGD. The existing permitted LAA consists of 4,676.66 acres. The request for an expanded process water flow was submitted in November, 2013 for a monthly average of 3.8 MGD and a daily maximum of 6.0 MGD. The request to expand the LAA was submitted in February,

2008. The additional LAA requested was a total of 1,586.42 acres. The additional land will be used in conjunction with the existing 4,676.66 acres, for a total of LAA of 6,263.66 acres.

Processing water is applied after the summer crops are harvested to pre-irrigate the soil in preparation for the upcoming fall or spring crops. After the summer harvest, an agronomist will probe the soil in the sections that will receive processing water to determine the moisture content. Irrigation with the processing water can then be scheduled based on the soil moisture depletion such that moisture levels are optimal to support the cropping desired for the upcoming season. The LAA may also receive well or canal water to bring the next crop to maturity. The crops planted on the LAA include cotton, onions, tomatoes, wheat, garlic, and other row crops.

In order to secure a revised WDR Order accommodating the increased LAA and discharge volume, the RWQCB has indicated that the project must first comply with Fresno County land use regulations (i.e. the CUP), which in turn will be subject to review pursuant to the California Environmental Quality Act.. The increase in processing water flow and LAA are being requested to account for future expansion of tomato processing. The use of the processing water and the types of crops grown will not change under the revised project; only the volume of water and area of application will change. There are no new structures proposed under the CUP application.

Most of the parcels within the overall project site are subject to one or more Williamson Act contracts. The contract numbers are APs: 365, 704, 843, 1809, 2041, 2053, 2055, 2057, 2067, 2277, 2279, 4218, 5147, 5150, 6231, 6253, and 7257-A. As mentioned previously, the proposed project would not change the use of the parcels. They would continue to be farmed with various row crops, and the extent of the land dedicated to agriculture would not be affected.

I,  (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The forgoing declaration is made under the penalty of perjury.

Lee C. Waddle III

Brandon Clement

Operational Statement Checklist

Los Gatos Tomato Products Conditional Use Permit #38563

CUP 3510
RECEIVED
COUNTY OF FRESNO
AUG 19 2015
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

1. Nature of the operation-what do you propose to do?

Los Gatos Tomato Products (LGTP) is proposing an increase in the quantity of water used to process tomatoes, and an increase in the Land Application Area (LAA) to discharge the processing water. LGTP currently processes tomatoes under a permit from the Regional Water Quality Control Board (RWQCB). The current operating permit is number 5-00-267. To obtain an increase in process water quantity, and LAA the RWQCB has required a California Environmental Quality Act review be conducted by Fresno County. Please see attached document "Statement of Intended Use, and Operational Statement" for a detailed description of LGTP operation. There are no plans at his date to make any changes in the processing operation, and the Conditional Use Application (CUP) contains no request for any building, or construction of any kind.

2. Operational time Limits:

- a. Months: LGTP processes tomatoes from mid-late June to early-mid October depending on maturity and size of the annual tomato crop. The time period is referred to as the "processing season"
- b. Days per week, and Hours per day: LGTP operates seven days per week, twenty-four hours per day during the processing season. During the off season LGTP operates five days a week, eight hours per day.

3. Number of customers or visitors: There a few if any customers, or visitors. Only those conducting business related to processing tomatoes visit the facility, and only the farming crews and farm managers are out on the LAA.

4. Number of employees: Processing Season:

- a. Processing Season Current: 160, and Hours they work is, 8-12/day
- b. Off Season Current: 40, and Hours they work 8-10/day
- c. Future: No changes are expected for the next few years
- d. Do any live on-site as caretakers: No

5. Service and delivery vehicles:

- a. Number, type, and Frequency: The facility currently generates approximately 340 truck trips per day, plus 140 passenger vehicle trips during the processing season and 40 trips per day/5 days per week during the off-season, primarily for employees. These numbers are not expected to change following approval of the project. The number of farming trucks and tractors used on the LAA will not change with the approved increase in processing water and land application area.

6. Access to the site:

- a. Public, private, unpaved road(s), and surface area: Traffic accesses Gale Avenue via Butte Avenue and Lassen Avenue (SR 269) from the west and east, respectively. Butte Avenue is similar to Gale Avenue in right-of-way and pavement width. The County of Fresno General Plan Transportation and Circulation Element identifies Lassen Avenue as an arterial road and an

expressway in the project vicinity. As a numbered route within the California state highway system, it is improved to Caltrans' rural highway standards, having been more recently constructed and featuring paved shoulders. All three routes are typical of the public roads serving agricultural lands and related facilities throughout Fresno County.

7. Number of packing spaces for employees, customers, and service/delivery vehicles.
 - a. Type of surfacing on parking area. Approximately 76 parking spaces, of which four are ADA accessible spaces, are provided. The site is largely open, and provides numerous areas for loading and unloading. Ingress and egress are provided via four paved and gated drive approaches located on the north side of W. Gale Avenue. The expansion of processing water and land application will no effect on the need for employee parking.
8. Are any goods to be sold on-site? No
9. What equipment is used? The existing processing plant will continue operate pursuant to Classified Conditional Use Permit No. 2889, approved in 1999 to process tomatoes, and the discharging of processing water onto the land application area will continue as currently operated. The processing water is delivered from the facility through the existing irrigation system. The increase in processing water and land application area will require no changes in the current processing facility, or water delivery system.
10. What supplies or materials are used and how are they stored? The facility currently operates pursuant to Classified Conditional Use Permit No. 2889, approved in 1999. Appurtenant to that approval, the existing processing water discharge is regulated by RWQCB Waste Discharge Requirements Order No. 5-00-267 issued in 2001. The proposed use does not include construction of above-ground facilities such as walls, fences, landscaping, parking/loading areas, or structures. It comprises discharge of washwater onto existing agricultural fields, and there are no changes in supply or material used, or how they are stored.
11. Does the use cause an unsightly appearance? None. The processing facility has been in operation for many years, and is substantially surrounded by agricultural lands. The existing land application area and the proposed additional area will be farmed and irrigated with the additional rinse and processing water. This practice is virtually indistinguishable from irrigation with typical surface- or groundwater.
12. List any solid or liquid wastes to be produced.
 - a. Estimated volume, storage, and disposal of waste. : With the exception of a small amount of water for domestic use, virtually all water entering at the facility is used for processing and is discharged, or reused and then discharged daily during the processing season to the existing 4,676 acres and future 6,263 acres. During the processing season, the facility can discharge up to 4 million gallons per day (MGD), with a monthly average of 2.5 MGD. With the addition of the land requested under the current project proposal, up to 6 MGD could be accommodated, with an average of 3.8 MGD. Primarily, liquid waste consists of processing and rinse water that is diluted by the addition of standard surface water from Westlands Water District to ensure that constituent loading of the water falls within range acceptable pursuant to the WDR (discharge during 100-day processing season only). The small amount of domestic wastewater produced is handled by an onsite septic system. A solution of 50% sodium hydroxide (NaOH) is used during the processing season for cleaning and sanitation. Approximately 7,000 gallons (NaOH) per season (year). Prior to disposal, the sodium hydroxide solution will be further diluted by mixing it with the rinse and processing water. Over the duration of the processing

season, this dilution equates to an average NaOH concentration of 28 parts per million (PPM). In addition, approximately 66 tons per day of tomato solids are produced during processing season. Tomato solids are shipped off-site to be sold as cattle feed. Domestic solid waste disposal is coordinated with a local private waste hauler.

13. Estimated volume of water to be used (gallons per day), and source of water? Westlands Water District currently supplies and will continue to supply water to the processing plant. With the exception of a small amount of water for domestic use, virtually all water entering at the facility is used for processing and is discharged, or reused and then discharged. During the processing season, the facility can discharge up to 4 million gallons per day (MGD), with a monthly average of 2.5 MGD. With the addition of the land requested under the current project proposal, up to 6 MGD could be accommodated, with an average of 3.8 MGD.
14. Describe any proposed advertising including size, appearance, and placement. There will be no advertising.
15. Will existing buildings be used or will new buildings be constructed? Existing buildings will be used. There will be no new construction.
16. Explain which buildings or what portion of buildings will be used in the operation. The facility currently operates pursuant to Classified Conditional Use Permit No. 2889, approved in 1999. Appurtenant to that approval, the existing processing water discharge is regulated by RWQCB Waste Discharge Requirements Order No. 5-00-267 issued in 2001, and the increase in processing water and land application area will not require in changes in building use.
17. Will any outdoor lighting or an outdoor sound amplification system be used? No.
18. Landscaping or fencing proposed? No.
19. Any other information that will provide a clear understanding of the project or operation. Yes, the proposed project consists of continuing the operation of the existing tomato processing facility with an increase in both the area of agricultural lands, and the quantity of process and rinse water which the facility will discharge to the expanded land application area. The Regional Water Quality Control Board required LGTP to have Fresno County be the lead agency on the CEQA review, which lead to the Fresno County requiring a new CUP application.
20. Identify all Owners, Officers and/or Board Members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms. See attached. (To be provided.)



EXHIBIT 7

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Chris Woolf
- APPLICATION NOS.:** Initial Study Application No. 7021 and Classified Conditional Use Permit Application No. 3510
- DESCRIPTION:** Allow an increase in land application area for processed wastewater from 4,676.66 acres to 6,263.08 acres (an additional 1,586.42 acres) in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District for wastewater discharged from an existing tomato processing plant located on a 58.26-acre parcel in the AE-20 Zone District.
- LOCATION:** The project site is bordered by W. Palmer, S. Madera, W. Gale and S. Lassen Avenues adjacent to the City of Huron (19800 W. Gale Avenue, Huron) (SUP. DIST. 4) (APNs 075-032-24S, 25S, 26S, 27S, 28, 71ST, 72S; 075-050-19S, 23S, 24S, 37S, 39S, 46S).

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; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: NO IMPACT:

The subject proposal is to allow application of processed wastewater from an existing tomato processing plant onto an additional 1,586.42 acres of cultivated land via an irrigation system. The proposal is located in an agricultural area near the City of Huron and involves no above-ground improvements or expansion of facilities or operations at the existing plant. As such, no visual impacts on the surrounding area will result from this proposal. Likewise, no scenic vistas or scenic resources were identified in the area and the proposal is not located along a scenic highway.

- 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: NO IMPACT:

With no new construction or aboveground structures proposed, the project will not require outdoor lighting.

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; or
- 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: NO IMPACT:

The project will not convert the subject properties to a non-agricultural use. The proposal involves application of processed wastewater from an existing tomato processing plant onto an additional 1,586.42 acres of cultivated land designated as Prime Farmland on the 2010 Fresno County Important Farmland Map.

According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, all parcels subject to this proposal are currently enrolled under Williamson Act Land Conservation Contracts. The proposal is consistent with the restrictions of Williamson Act Program.

The Fresno County Agricultural Commissioners' Office (Ag Commissioner) reviewed the proposal and expressed no concerns with the project.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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) the project-specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. The project will not have a significant adverse impact on air quality. The applicant shall contact the Air District for applicability of an Authority to Construct (ATC) for the project which may also be subject to the following Air District's rules: Air District Regulation VIII (Fugitive PM-10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural coatings), and 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: NO IMPACT:

The project will not create objectionable odors. No concerns related to odor were expressed by the San Joaquin Valley Air Pollution Control District.

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; or
- 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:

All parcels subject to this proposal are active farmland and do not contain any wetlands.

The project was routed to both the U.S. Department of Fish and Wildlife (USFW) Service and California Department of Fish and Wildlife (CDFW). No concerns with the proposal were expressed by either agency. Therefore, no impacts were identified in regards to: 1) any candidate, sensitive, or special-status species; 2) 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 Service or U.S. Fish and Wildlife; 3) federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- 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 will not conflict with any local policies or ordinances protecting biological resources or be in conflict with an approved local regional or state habitat conservation 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: NO IMPACT:

The project is not located in an area sensitive to historical, archeological or paleontological resources and will not impact these resources.

- 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: NO IMPACT:

The project will have no impacts on tribal cultural resources.

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?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides. The project will not create a risk or expose people or structures to earthquake rupture, strong seismic ground shaking, seismic related ground failure, liquefaction or landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Department of Public Works and Planning, a grading permit or voucher may be required for any grading proposed with this application. This requirement will be included as a Project Note.

- 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; or
- 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:

No such impacts were identified in the analysis. The project does not involve construction of any aboveground structures or sewage disposal systems.

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, either directly or indirectly, that may have a significant impact on the environment. Scope of the project is limited to application of wastewater from an existing tomato processing plant onto farmlands through an irrigation system. The project will adhere to the Air District rules as identified above in Section III. A. B. C. D.

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

FINDING: NO IMPACT:

The project does not involve transport, use, or disposal of hazardous materials, and is not located within one quarter-mile of a school. The nearest school, Huron Elementary school, is approximately one-half mile from the nearest land for wastewater disposal.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns regarding hazardous materials.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site.

- 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 is not located within an airport land use plan area, two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Harris Ranch Airport, is approximately 8.6 miles northwest of the proposal.

- 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 will not impair implementation of or physically interfere with an adopted Emergency Response Plan.

- 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 proposal is not located within a wildland area.

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 WITH MITIGATION INCORPORATED:

According to the applicant's operational statement, the subject proposal involves an increase in the quantity of water used to process tomatoes at an existing tomato processing plant resulting in an increase in the land application area needed to discharge the processed water. This additional processed water will be applied on an additional 1,586.42 acres of cultivated land. Processed water from the plant is currently being discharged on 4,676.66 acres of farmland near the plant site under Regional Water Quality Control Board (RWQCB), Central Valley Region permit (WDR No. 5-00-267). During the processing season, the plant can discharge up to 4 million gallons per day (MGD) with a monthly average of 2.5 MGD. With the addition of land requested by this application, up to 6 MGD could be accommodated with an average of 3.8 MGD.

The RWQCB reviewed the proposal and requires that 140 day prior to discharging wastewater to the lands, the applicant shall submit a revised Report of Water Discharge with the Board. This requirement will be included as a Mitigation Measure.

* **Mitigation Measure**

1. *At least 140 days prior to discharging wastewater onto the land, the applicant shall submit a revised Report of Water Discharge with the Regional Water Quality Control Board to include an updated list of parcels proposed for disposal of wastewater along with a map delineating these areas.*

The Fresno County Department of Public Health, Environmental Health Division also reviewed the project and requires that in an effort to protect ground water, all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor. This requirement will be included as a Mitigation Measure.

* **Mitigation Measure**

1. *Prior to issuance of building permits, all water wells (not intended for use by the project or for future use) shall be properly destroyed under permit and inspection by the Fresno County Department of Public Health, Environmental Health Division. The destruction and construction of water wells can only be completed by a licensed C-57 contractor. All abandoned septic systems within the project area shall be destroyed under permit by the Department of Public Works & Planning, Building and Safety Section.*

- 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 SIGNIFICATION IMPACT WITH MITIGATION
INCORPORATED:

The project will not utilize groundwater. The Westlands Water District (WWD) currently supplies and will continue to supply water to the existing tomato processing plant. With the exception of a small amount of water for domestic use, all water entering at the plant is used for processing and is discharged, or reused and then discharged into agricultural fields.

Water-Geology-Natural Resources (WGNR) Section of the Fresno County Department of Public Works and Planning reviewed the proposal and requires a Will-serve letter from the WWD. The applicant is in the process of obtaining the letter. This will be included as a Mitigation Measure.

* **Mitigation Measure**

1. *Prior to issuance of building permits, the applicant shall provide a Will-Serve letter from the Westlands Water District for water supply to the project.*

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not alter existing drainage patterns, or a course of a stream or river. The U.S.G.S. Quad Maps show Los Gatos Creek traversing near the subject proposal but is not impacted by this project.

- 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:

According to the Development Engineering Section of the Department of Public Works; 1) a grading permit or voucher may be required for any grading proposed with this application; and 2) any additional runoff generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See the discussion above in IX. A.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Federal Emergency Management Agency (FEMA) FIRM Panel 3255H, 3275H, 3250H and 3235, portions of the subject parcel are in flood Zone A which is subject to 1% chance storm. If any development is within the areas identified as Zone A, it must comply with the County Flood Hazard Ordinance (Title 15.48).

- 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 project site is not prone to a seiche, tsunami or mudflow, nor is the project exposed 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 proposal is adjacent to but outside the boundaries of City of Huron.

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 project site is designated Agriculture in the Fresno County General Plan. Provisions for certain non-agricultural uses such as the proposed use have been provided for in the Fresno County General Plan subject to meeting the provisions of Policy LU-A. 3. a. b. c. d and PF-C.17.

Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.

With regard to Criteria "a", the proposal requires large farmland to provide for wastewater disposal outside of urban areas. With regard to Criteria "b", wastewater from the existing tomato processing plant will be applied on cultivated lands. With regard to Criteria "c", the project involves no new construction and involves no groundwater usage. Water to the tomato processing plant currently is and will continue to be provided by the Westlands Water District (WWD). With regard to Criteria "d", the nearby City of Huron can provide an adequate workforce for construction of an irrigation system for the project. The proposal is consistent with the Policy LU-A.3.

General Plan Policy PF-C.17 requires water supply evaluation to determine adequacy of water supply to meet the highest demand that could be permitted on the land in question. The Water-Geology-Natural Resources Unit of the Development Services Division reviewed the project and required a Will-Serve letter from the WWD. The

applicant is in the process of obtaining the letter from the District. This has been included as a Mitigation Measure.

- 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 land use plan or habitat or natural community conservation plan.

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.

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 involves no new development or new sources of noise. The Fresno County Department of Public Health, Environmental Health Division, reviewed the project 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:

See discussion in Section VIII. E. F. Hazard & Hazardous Material.

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:

This proposal 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: NO IMPACT:

The Fresno County Fire Protection District (CalFire) reviewed the project and expressed no concerns with the proposal.

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

FINDING: NO IMPACT:

The project will not impact police services, schools, parks, or other public facilities.

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:

No such impacts were identified in the analysis.

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: NO IMPACT:

The project will not increase traffic on the roadways as no new development or expansion of the existing tomato processing plant is proposed. According to the applicant's operational statement, the number of farming trucks and tractors used will not change with the proposed increase in use of processing water and land application area.

Design Division of the Department of Public Works and Planning reviewed the proposal and expressed no concerns related to traffic and no need for a Traffic Impact Study.

- 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.

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The project design will not create a traffic hazard or result in inadequate emergency access. No changes to the existing roadways or any ingress and egress to the subject parcels will result from this proposal.

- 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.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils

- 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 SIGNIFICANT 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: NO 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 VI. E. Geology and Soils

- 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: NO IMPACT:

The subject proposal will not generate an increase in solid waste. Tomato solids (approximately 66 tons per day) currently produced at the existing tomato processing plant are shipped offsite to be sold as cattle feed and the domestic solid waste disposal is coordinated with a local private waste hauler.

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: NO IMPACT:

The project will not result in an impact on sensitive biological and cultural resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively considerable impacts were identified in the analysis. Potential impacts from Hydrology and Water Quality were reduced to a less than significant impact with the incorporated mitigation.

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

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

FINDING: NO IMPACT:

No substantial impacts on human beings were identified in the analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study (IS 7021) prepared for Classified Conditional Use Permit Application No. 3510, 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 aesthetics, agricultural resources, biological resources, cultural resources, hazards and hazardous materials, mineral resources, noise, population and housing, public services, recreation, and transportation /circulation.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, land use and planning, and utilities and service systems have been determined to be less than significant.

Potential impacts related to hydrology and water quality have been determined to be less than significant with mitigation incorporated.

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" Street, Fresno, California.

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