



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 December 14, 2017

SUBJECT: Initial Study Application No. 7286 and Classified Conditional Use Permit Application No. 3574

Allow an anaerobic digester to collect methane (biogas) from an existing dairy operation in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and use methane to fuel an electrical power generator to produce renewable electrical power. Generated electricity will be used both for the dairy operation and to be sold to the power grid.

LOCATION: The subject property is located on the south side of Floral Avenue approximately 2,642 feet west of its intersection with S. Jameson Avenue and 5.2 miles northeast of the unincorporated community of Helm (11883 W. Floral Avenue, Fresno) (Sup. Dist. 1) (APN 041-030-20S, 47S & 48S).

OWNER: John Verwey
APPLICANT: CH4 Power

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7286; and
- Approve Classified Conditional Use Permit (CUP) No. 3574 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Floor Plans/Elevations
7. Applicant’s Operational Statement
8. Summary of Initial Study Application No. 7286
9. Draft Mitigated Negative Declaration

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	159.26 acres 98.14 acres 48.48 acres	No change
Project Site	A dairy with related improvements on a 159.26-acre parcel	Allow an anaerobic digester to collect methane (biogas) from an existing dairy operation in the AE-20 Zone District and use methane to fuel an electrical power generator to produce renewable electrical power. Generated electricity will be used both for the dairy operation and to be sold to the power grid.
Structural Improvements	<ul style="list-style-type: none"> • Stalls • Farm structures • Single-family residences • Lagoons • Solid separation area • Milking parlor • Pond 	<ul style="list-style-type: none"> • 75,289 square-foot digester • 11,750 square-foot mechanical building • Reception pit • Overhead power transmission lines

Criteria	Existing	Proposed
Nearest Residence	2,573 feet north of the proposal	No change
Surrounding Development	A dairy to the north and farmland to the east, south and west	No change
Operational Features	N/A	<ul style="list-style-type: none"> • The project itself will produce no solid or liquid wastes. • The existing solid separation at the dairy site will separate solid waste (manure) from liquid waste (manure). • Liquid waste will go into on-site lagoon(s) and be used for flush water or fertilizer for fields, and solid waste will go into the proposed reception pit. • Upon receiving appropriate viscosity adjustment, the solid waste (manure) will be transported to the digester via a piping system. • The Methane (biogas) produced by the digester will be transported from the digester via a piping system to a mechanical building housing the engine generation system to allow for Methane destruction. • The electricity generated at the mechanical building will be exported to the dairy via overhead power transmission line for use in dairy operations and be sold to PG&E power grid via a 12kV point of interconnection on the northeast corner of the dairy site near Floral Avenue.
Employees	48	Unmanned facility

Criteria	Existing	Proposed
Customers	No customers	None
Traffic Trips	42 one-way truck trips per day (21 round trips, or 150 round trips per week) 120 one-way employee trips per day (60 round trips)	<ul style="list-style-type: none"> • No incremental increase in service trucks or personal vehicles beyond what is normally on site for dairy operation • One to two weekly to monthly trips by maintenance vehicles
Lighting	Outdoor lighting around existing buildings/structures	Outdoor hooded lighting around proposed improvements
Hours of Operation	N/A	24 hours per day, 7 days per week

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: August 18, 2017

PUBLIC NOTICE:

Notices were sent to nine (9) property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

The project would allow an anaerobic digester/power generator on a dairy site to produce electrical power utilizing the manure only process. Generated electricity will be used both for the dairy operation and to be sold to the power grid.

The project development involves a 159.26-acre parcel (identified by APN 041-030-20S) developed with improvements related to a dairy and 98.14-acre and 48.48-acre undeveloped parcels identified by APNs 041-030-48s and 041-030-47s, respectively. The proposed

improvements consisting of a 75,289 square-foot digester, 11,750 square-foot mechanical building and a reception pit will utilize a 5.27-acre portion of the two undeveloped parcels. The existing improvements consisting of a solid separation area and lagoons, to be used in conjunction with this proposal, are located on the dairy site.

According to the Applicant, the solid separator at the dairy site will separate solid waste (manure) from liquid waste (manure). Liquid will go into the lagoon and be used for flush water or fertilizer for fields. The solid waste will go into the proposed reception pit. Upon receiving appropriate viscosity adjustment, the solid waste will be transported to the digester via a piping system. The Methane (biogas) produced by the digester will be transported from the digester via a piping system to a mechanical building housing the engine generation system to allow for the Methane destruction. The electricity generated at the mechanical building will be exported to the dairy via an overhead power transmission line for use in dairy operations and be sold to the Pacific Gas & Electric (PG&E) power grid via a 12kV point of interconnection on the northeast corner of the dairy site near Floral Avenue.

The project is located on separate but contiguous parcels. As such, an Over and Across Agreement will be required for the project to permit access, equipment, conduits and such crossing from one parcel to another.

***Finding 1:** That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Street Side: 35 feet Side: 20 feet Rear 20 feet	Front (north property line): 50 feet Side (east property line): 1,300 feet Side (west property line): 135 feet Rear (south property line): 1,903 feet	Yes
Parking	One (1) off-street parking space for each two (2) permanent employees One parking space for each company-owned truck One (1) parking space for each company salesperson	N/A; Unmanned facility	N/A
Lot Coverage	No requirement	No requirement	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Separation Between Buildings	Six-foot minimum	More than six feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

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

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed improvements meet the minimum building setback requirements of the AE-20 Zone District. The improvements will be set back approximately 50 feet from the north property line (35 feet required), 1,300 feet from the east property line (20 feet required), 135 feet from the west property line (20 feet required) and 1,903 feet from the south property line (20 feet required). The subject property is adequate in size to accommodate all buildings/structures related to the subject proposal.

The proposed project will be an unmanned facility. As such, no additional parking is required than already provided on the 159.26-acre dairy site. Periodic maintenance of the proposed facility would require one to two vehicle trips to the site, maximum per week.

Based on the Site Plan submitted and no additional parking required, staff has determined that the project site is adequate in size and shape to accommodate the proposal.

Recommended Conditions of Approval:

None

Conclusion:

Finding 1 can be made.

Finding 2: *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Floral Avenue: Very poor condition	No change
Direct Access to Public Road	Yes	Floral Avenue	The access to the project site is provided by an access road east of the dairy site.
Road ADT (Average Daily Traffic)		N/A	No change
Road Classification		Floral Avenue: oil-dirt local road not maintained by the County	No change
Road Width		30 feet south of section line (prescriptive right-of-way)	No change
Road Surface		Oil-dirt local road	No change
Traffic Trips		42 one-way truck trips per day (21 round trips, or 150 round trips per week) 120 one-way employee trips per day (60 round trips)	<ul style="list-style-type: none"> • No incremental increase in service trucks or personal vehicles beyond what is normally on site for dairy operation • One to two trips per week by maintenance vehicles
Traffic Impact Study (TIS) Prepared		N/A	No Traffic Impact Study required for the project by the Design Division of the Department of Public Works and Planning and no concerns expressed related to traffic
Road Improvements Required		N/A	No change

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Floral Avenue is classified as a Local road. Floral Avenue at the project site is an oil-dirt road not maintained by the County, with a prescriptive right-of-way width of 30 feet south of the section line per Plat Book.

Design and Road Maintenance and Operations (RMO) Divisions of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

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

Analysis:

The project site gains access through an existing dirt road off Floral Avenue. The dirt road runs along the east and south boundaries of the dairy site. All service and/or delivery vehicle traffic will use this dirt road to reach the site.

As noted above, the proposed project will be an unmanned facility. The project will not incrementally increase service trucks or personal vehicles beyond what is normally on site for dairy operation. Given no increase in traffic, no traffic impact study was required for the project by the Design or the Road Maintenance and Operations (RMO) Divisions of the Fresno County Department of Public Works and Planning.

Based on the above information, staff believes that Floral Avenue can accommodate the traffic generated by the proposal.

Recommended Conditions of Approval:

See Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	319.14 acres	Orchard	AE-20	2,573 feet
South	320 acres	Field crops	AE-20	None
East	305.5 acres	Orchard	AE-20	None
West	48.48 acres 159.26 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

Site Plan Review Section of the Fresno County Department of Public Works and Planning: A dust palliative shall be required on all parking and circulation areas. This requirement has been included as a Condition of Approval.

Any proposed gate that provides initial access to the project site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the

site, whichever is greater. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional run-off generated by the proposed development of the site shall be retained or disposed of per County Standards. A Grading Permit or Voucher shall be obtained for any grading proposed with this application.

Fresno County Department of Public Health, Environmental Health Division: Prior to production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division acting as the Local Enforcement Agency (LEA).

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

San Joaquin Valley Air Pollution Control District (Air District): The project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review), and shall submit an Authority to Construct (ATC) application with the District prior to construction. Other Air District Rules that may also apply to this proposal include District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

The aforementioned requirements have been included as Project Notes.

Dumna Wo Wah Tribal Government: A consultation between the Tribe and the County (per Assembly Bill 52) has concluded and the archeological research has resulted in finding no evidence of Tribal Cultural Resources on the project site (see the following analysis).

State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board; Fresno County Department of Agriculture; Water and Natural Resources Division and Building Safety Section of the Fresno County Department of Public Works and Planning; and Table Mountain Rancheria, Tribal Government Office: No concerns with the proposal.

Analysis:

The project site is comprised of three contiguous parcels. The 159.26-acre parcel is developed with improvements related to an existing dairy operation, whereas the two other parcels (98.14 acres and 48.48 acres) are currently undeveloped. Portions of the undeveloped parcels will be improved with a 75,289 square-foot digester, 11,750 square-foot mechanical building, and a reception pit. The project will also utilize a solid separation (manure) area and lagoons located on the dairy site.

The project is located in a remote farming area away from any urban development. Surrounding land uses consist of a dairy to the north and active farmland to the east, south and west of the proposal. The height and design of the proposed digester, mechanical building and reception pit are comparable to other buildings and structures on the dairy site. The proposed improvements will not significantly affect the visual character of the site or the surrounding area.

An Initial Study prepared for the project has identified a potential impact to aesthetics. To mitigate aesthetic impact, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. This requirement has been included as a Mitigation Measure (Exhibit 1).

Potential impacts related to air quality, geology and soils, hydrology and water quality, and public services are considered to be less than significant. The project will comply with the San Joaquin Valley Air Pollution Control District rules and regulations relating to air quality; require additional runoff generated by the proposed development to be retained or disposed of per County Standards; obtain a Grading Permit/Voucher; obtain a permit to operate a Solid Waste Facility; and obtain Fresno County Fire Protection District approval on the Site Plan prior to occupancy.

Pursuant to Assembly Bill (AB) 52, County staff initiated consultation with the Dumna Wo Wah Tribal Government to determine the project’s potential impact to Tribal Cultural Resources (TCRs). As part of this process, an Archaeological Records Search for the site from the Southern San Joaquin Valley Information Center reported no cultural resources on the property and a Sacred Lands Search from the Native American Heritage Commission was negative for any sacred sites on the property. The Tribe was consulted for the identification of any TCRs on the property that establishes the existence of resources which satisfy the criteria of Public Resources Code section 21074(a)(2). However, with no evidence provided, staff concluded that the project will have no significant effects on TCRs and there is no need to impose mitigation measures on the project relative to TCRs.

Based on the above information, and with adherence to the Mitigation Measure, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

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

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to	With regard to Criteria “a”, this proposal is required to be near and tied to the existing dairy operation in order to use manure to produce electricity. With regard to Criteria “b”, the project site is not prime farmland and is classified as Farmland of Statewide Importance on the 2014 Fresno County Important Farmland

Relevant Policies:	Consistency/Considerations:
<p>surrounding agricultural area which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands are available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼-mile radius; d) Probable workforce located nearby or readily available.</p>	<p>Map. With regard to Criteria “c”, the project will not utilize any water. With regard to Criteria “d”, the nearby communities of Helm and Raisin City can provide a probable workforce.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>The proposed use is compatible with agricultural zoning and is an allowed use on land designated for agriculture with discretionary land use approval and adherence to the applicable General Plan Policies. The 98.14-acre project site is a non-active farmland. The proposed improvements will be set back a significant distance from the adjacent farming operations.</p>
<p>General Plan Policy HS-B.1: County shall require identification of fire hazard to reduce the risk to life and property.</p>	<p>The project will comply with the California Code of Regulations Title 24 – Fire Code and will require Fresno County Fire Protection District’s approval on the County-approved Site Plan prior to issuance of building permits for the proposed improvements.</p>
<p>General Plan Policy HS-F.1 2. 3.: County shall require that facilities handling hazardous materials or wastes shall be designed, constructed and operated in accordance with applicable hazardous materials and waste management laws and regulation.</p>	<p>The project does not involve handling of hazardous materials but would require a permit to operate a Solid Waste Facility from the Fresno County Department of Public Health, Environmental Health Division.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project will require no additional use of groundwater than currently used by the dairy. No concerns related to water were expressed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows

agriculturally-related uses by discretionary permit provided that they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy HS-B.1 requires identification of fire hazard, and Policy HS-F.1, 2, 3 discusses handling of hazardous material or wastes in accordance with the applicable laws. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project.

Analysis:

The project is consistent with the applicable General Plan Policies as discussed above in General Plan Consistency/Considerations. The project meets the intent of Policy LU-A.3. Criteria a. b. c. d. for a non-agricultural use being in an agricultural land. The project also meets Policies LU-A.12, LU-A.13, and LU-A.14, in that it is compatible with agricultural zoning with discretionary land use approval, not located on prime farmland, and maintains adequate distances from the adjacent farming operations. In regard to Policies HS-B.1 and HS-F.1, 2, 3, the project will require the Fresno County Fire Protection District's inspection and approval prior to occupancy and be subject to a Solid Waste Facility permit from the Fresno County Department of Public Health, Environmental Health Division. In regard to Policy PF-C.17, the project will not use any additional groundwater.

The project site is under Agricultural Land Conservation (Williamson Act) Contract (ALCC) No. 4704. As part of the subject proposal, a Notice of Partial Non-Renewal was recorded with the County Recorder's Office on August 7, 2017 (Document No. 2017-0098097) to remove an approximately 5.27-acre portion of the project site from Contract restrictions.

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

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit No. 3574, subject to the recommended Mitigation Measures and Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7286; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3574, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3574; 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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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7286/Classified Conditional Use Permit Application No. 3574
(Including Conditions of Approval and Project Notes)**

Mitigation Measure					
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

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.	All parking and circulation areas shall be provided with dust palliative to minimize the dust creation by vehicles.
4.	The Applicant shall prepare an Over and Across Agreement to permit access, equipment, conduit, etc. crossing from one parcel to another from APN 041-030-20S to APN 041-030-48S. The agreement shall be reviewed and approved by the Development Services and Capital Projects Division of the Department of Public Works and Planning prior to the issuance of building permits.

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

Notes	
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 the proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	Any additional run-off generated by the proposed development of the site must be retained or disposed of per County Standards.
4.	Grading Permit or Voucher shall be obtained for any grading proposed with this application.

EXHIBIT 1

Notes	
5.	<p>The project shall comply with the following requirements from the San Joaquin Valley Air Pollution Control District (Air District):</p> <ul style="list-style-type: none"> • District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) • Submit an Authority to Construct (ATC) application with the District prior to construction • District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed
6.	<p>Prior to production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the Fresno County Department of Public Health, Environmental Health Division, acting as the Local Enforcement Agency (LEA).</p>
7.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project development shall also annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.</p>
8.	<p>Any proposed gate that provides initial access to the project site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</p>
9.	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</p>

EA:ksn

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LOCATION MAP

CUP 3574

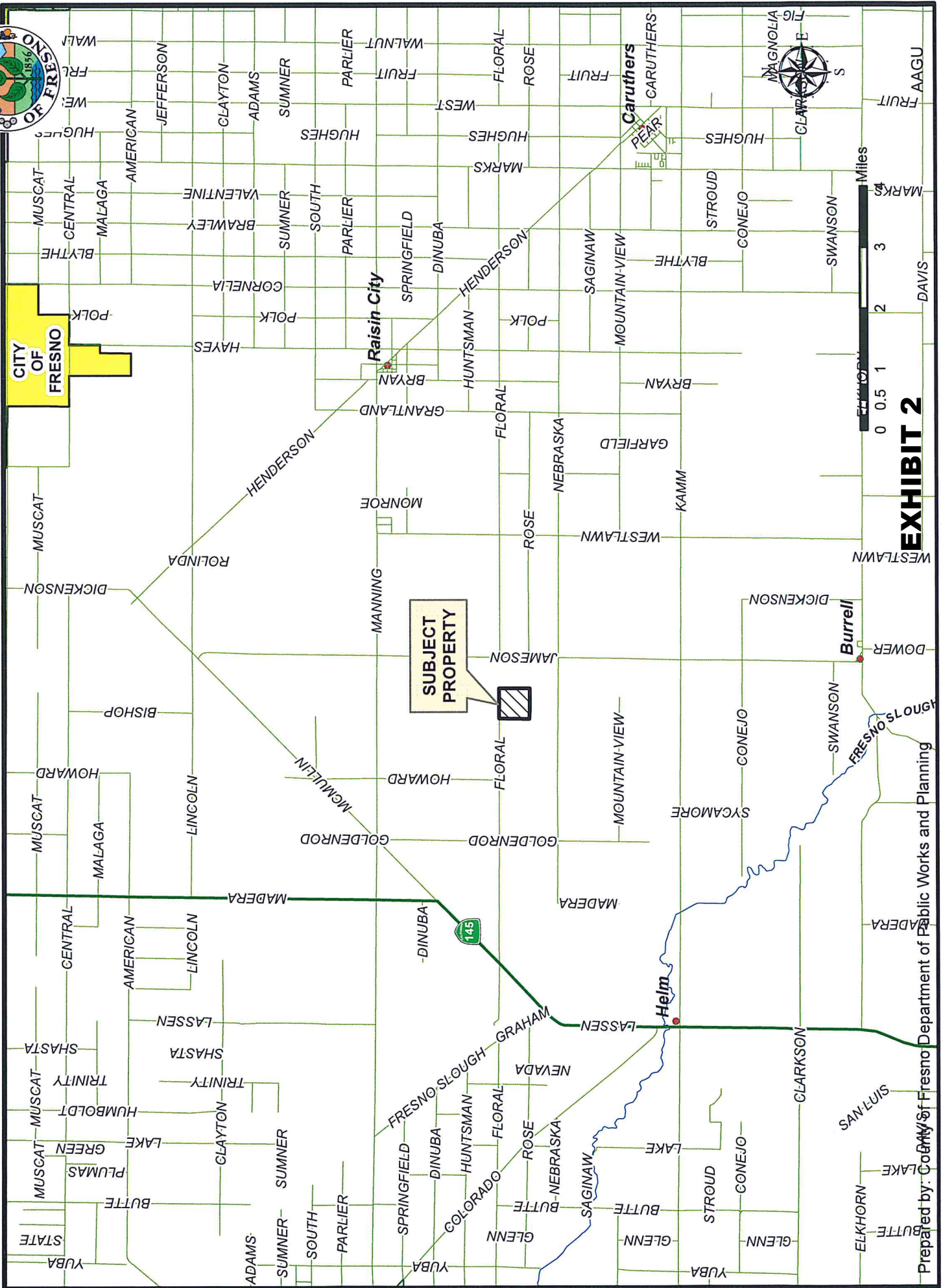


EXHIBIT 2

CUP 3574
STR 3 - 16/18

EXISTING ZONING MAP

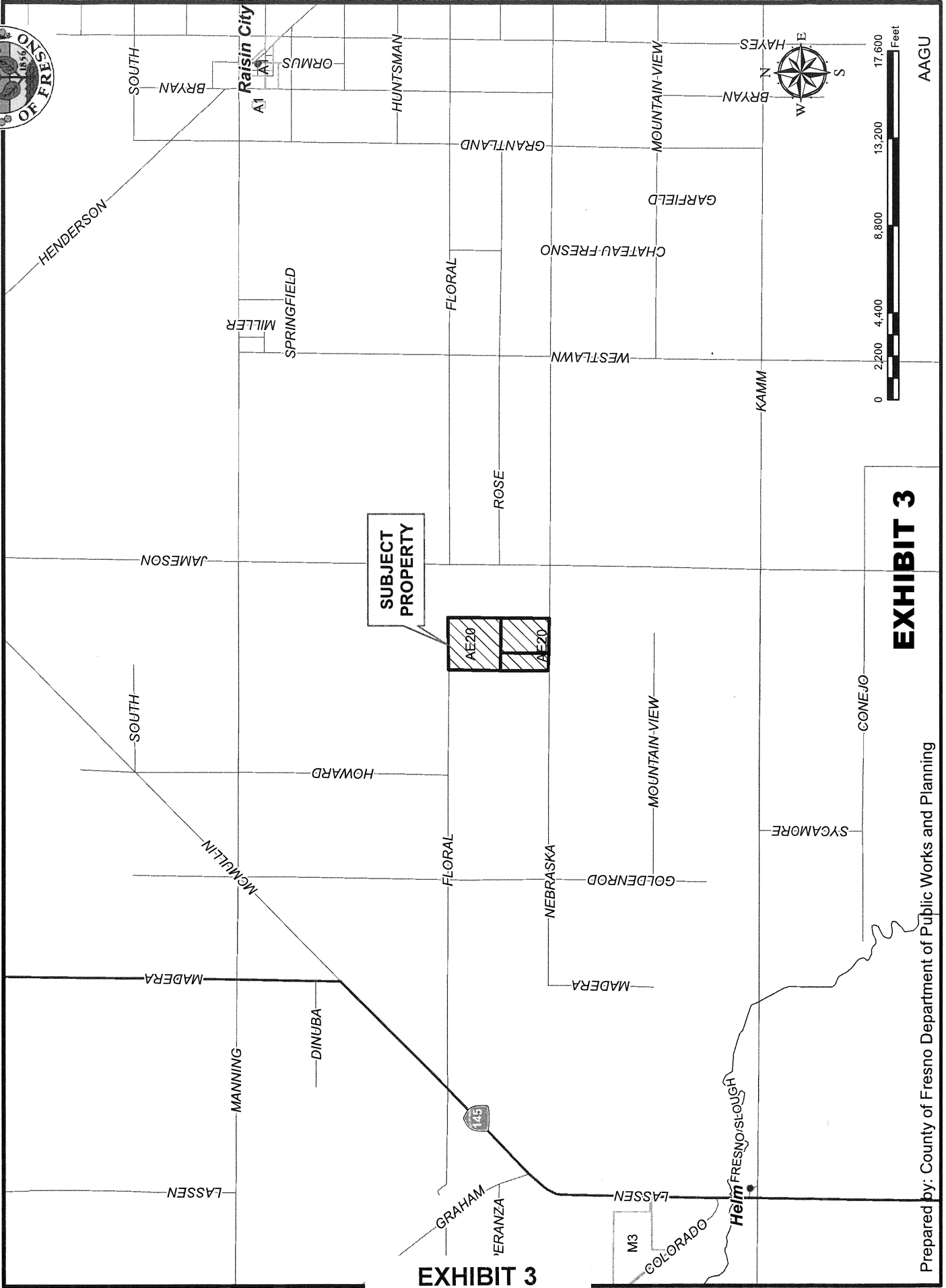


EXHIBIT 3



EXISTING LAND USE MAP

CUP 3574

LEGEND	
DAIRY	
FC - FIELD CROP	
ORC - ORCHARD	
VIN - VINEYARD	
SF#- SINGLE FAMILY RE	
V - VACANT	

LEGEND:



Subject Property



Ag Contract Land



Department of Public Works and Planning
Development Services Division

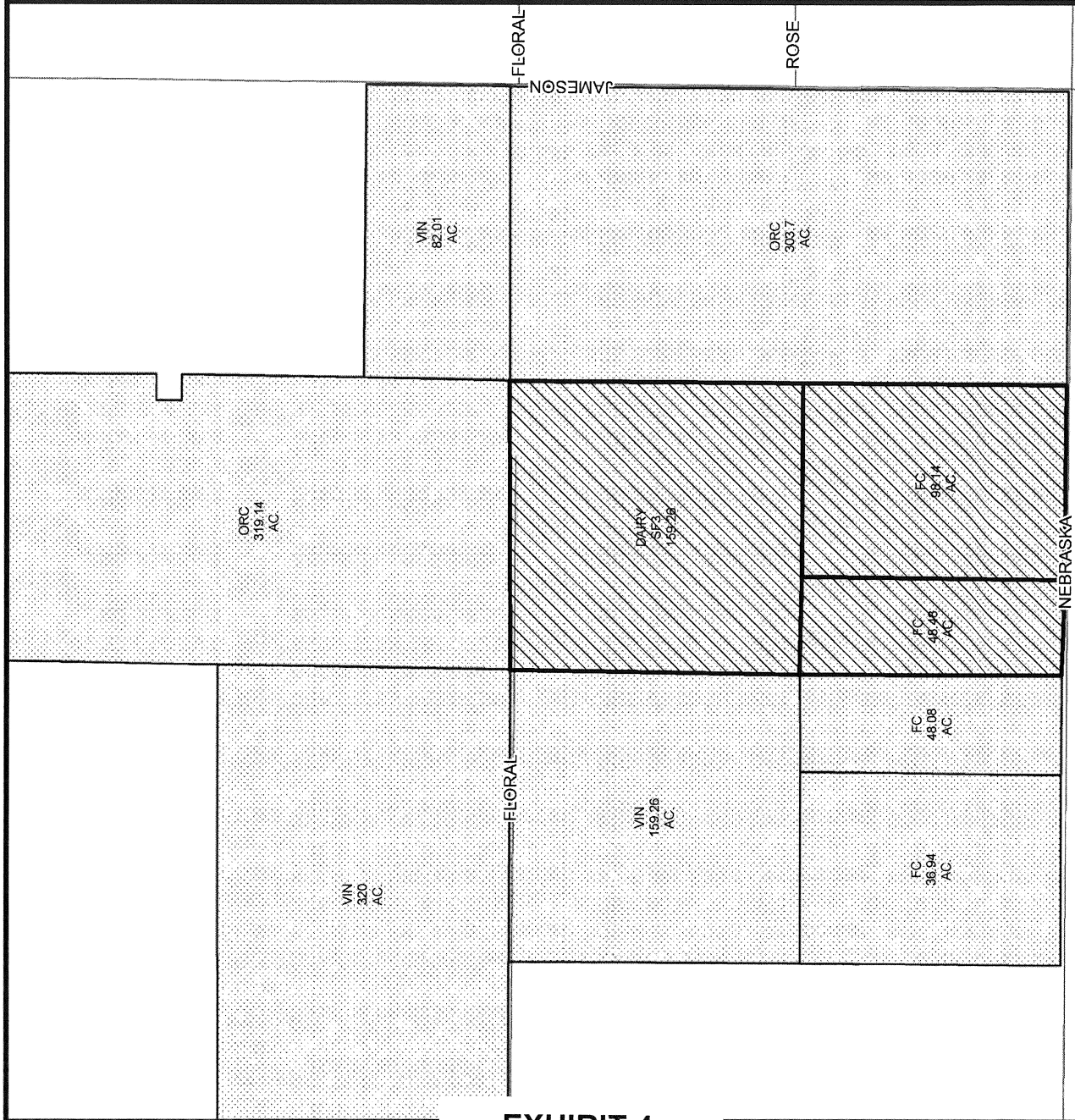
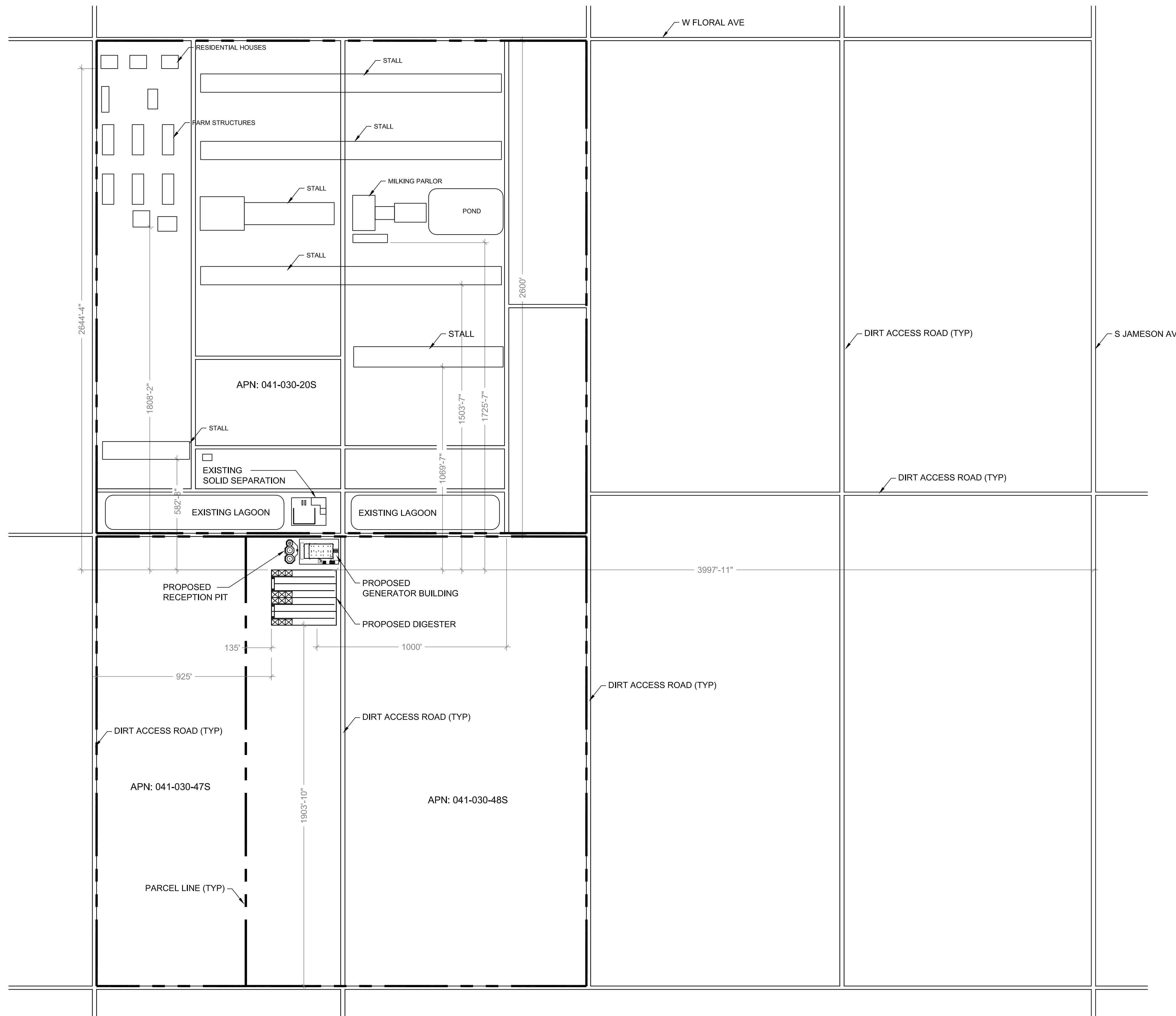


EXHIBIT 4

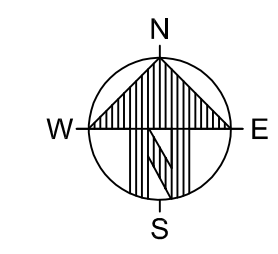
EXHIBIT 4

Map Prepared by: AA
J.GIS@CHILandUseI



1 SITE PLAN OVERALL
SCALE : NTS

EXHIBIT 5



SHEET NOTES

KEYED NOTES (X)



B	ISSUE FOR PERMIT	PEB	06/07/2017
A	ISSUE FOR PERMIT	PEB	05/09/2017
REV	DESCRIPTION	BY	DATE

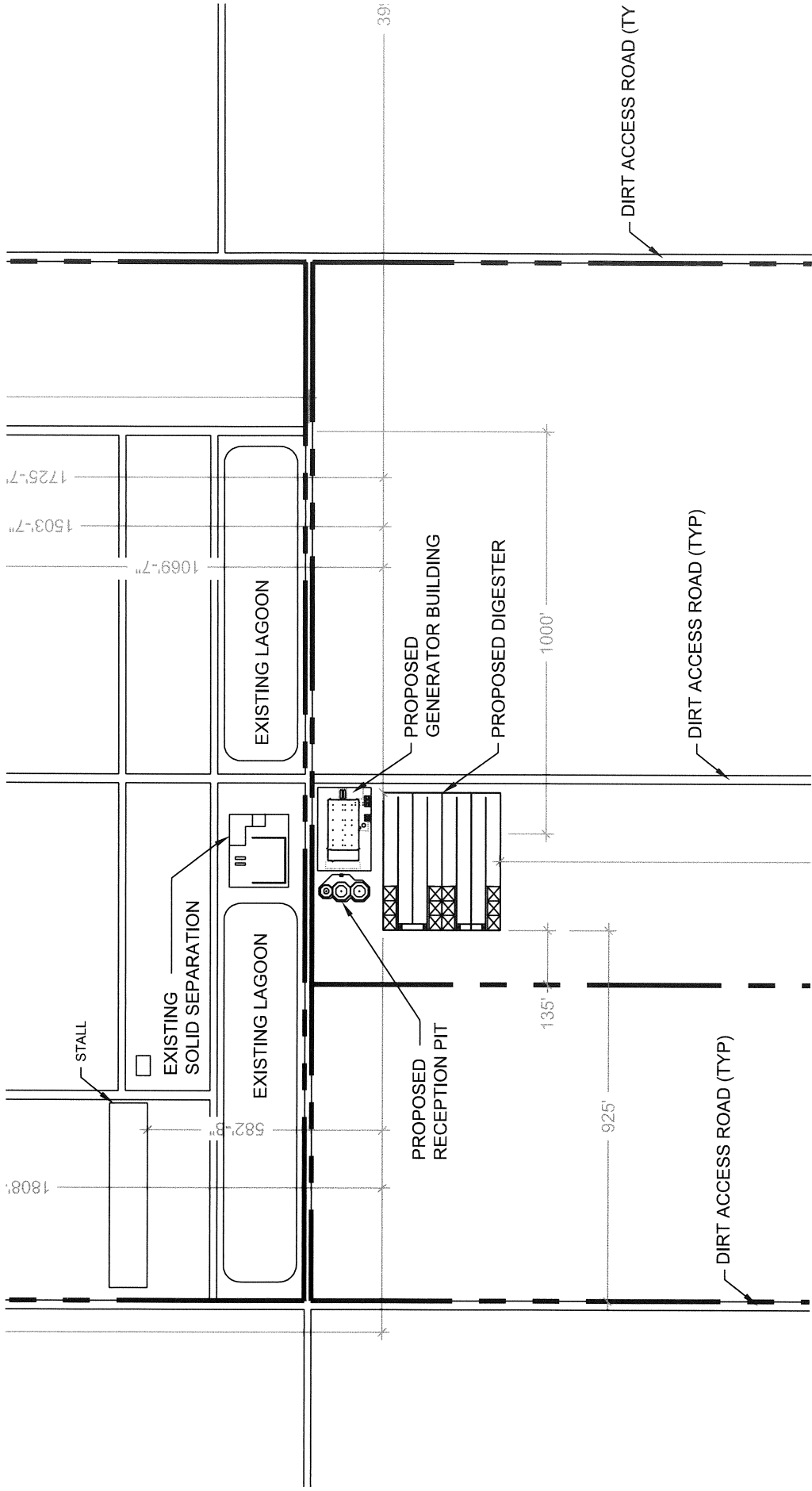
DRAWN BY: DRAWN SCALE: SCALE
ENGINEER: ENG ISSUED DATE: 06/07/2017

DO NOT SCALE ITEMS FROM THIS DRAWING. THIS DRAWING PLOTTED AT 1:1 SCALE SHOULD BE 24"x36".

DRAWING TITLE:
CH4 POWER
CDE #4 JOHANN DAIRY
11511 W. Floral Ave., Fresno, CA

SITE PLAN OVERALL

PROJECT NO: 17017
DRAWING NUMBER: **G002**



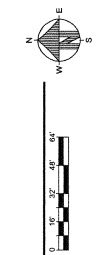
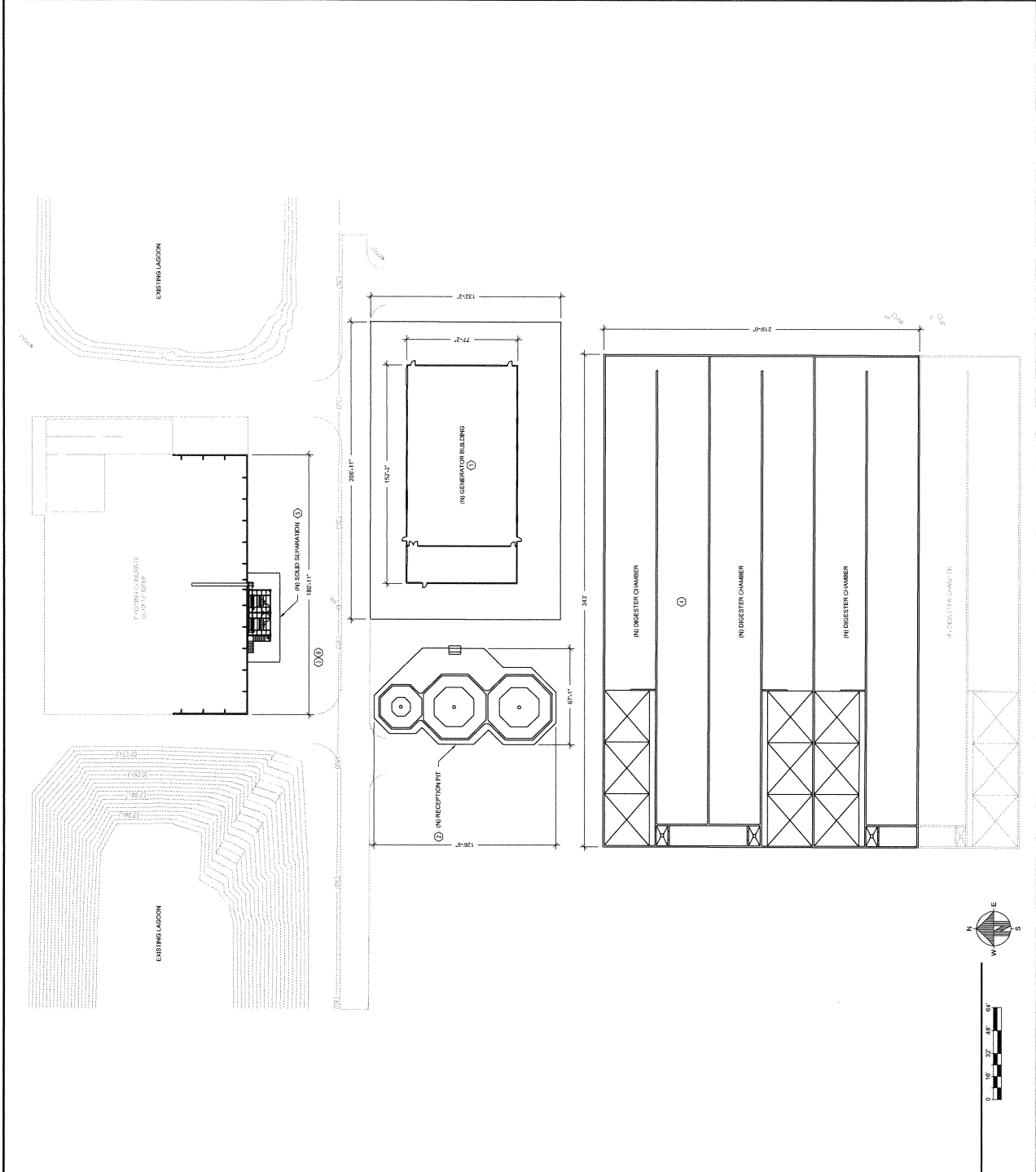
KEYED NOTES

1. FOR GENERATOR BUILDING LAYOUT SEE SHEET
2. FOR RECEPTION PIT LAYOUT SEE SHEET MO1.
3. SEE CIVIL PLANS FOR ALL SITE WORK AND LOCATIONS.
4. FOR RECEPTION PIT LAYOUT SEE SHEET CDE-041.
5. FOR SOLID SEPARATION WALL AND SLAB SEE STRUCTURAL.
6. SEE SHEET MO60 FOR ENLARGED SITE AND PIPING PLAN.

CH4 Power, Inc.

BLADFORD Consulting Engineers, Inc.
 15900 E. 15th Avenue, Suite 112, Denver, CO 80232
 (303) 751-1317
 www.bladfordce.com

PROJECT NO. 17017
 DRAWING NUMBER: G003



1 SITE PLAN
 SCALE: 1/32" = 1'-0"

CH4 POWER
 CDE # LICHANNI DAIRY
 11511 W. Floral Ave., Fresno, CA



SHEET NOTES

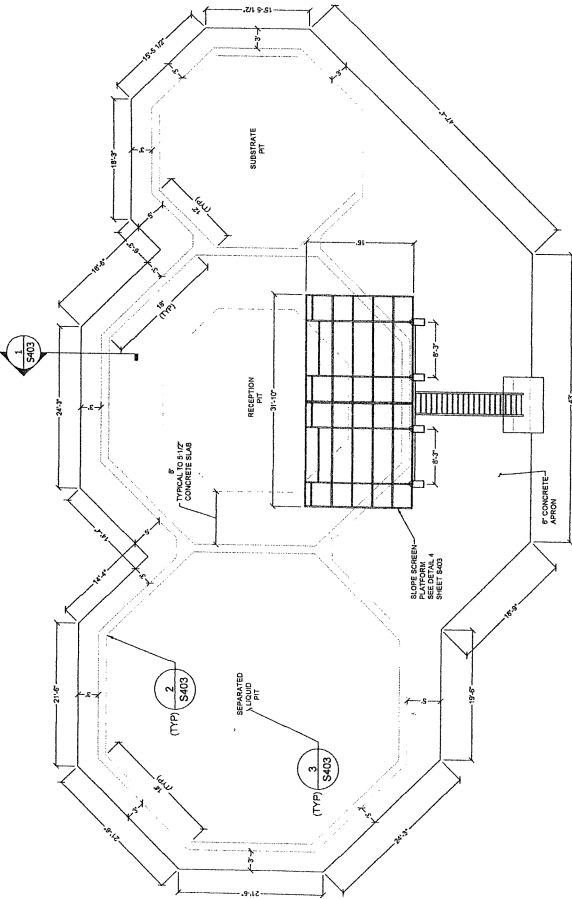
A. SEE SHEET 0001 FOR ABBREVIATIONS AND GENERAL NOTES.



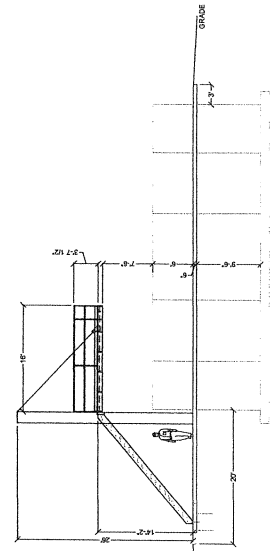
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DRAWING TITLE: CH4 POWER
 FRESNO CALIFORNIA
**RECEPTION PIT
 FOUNDATION PLAN**

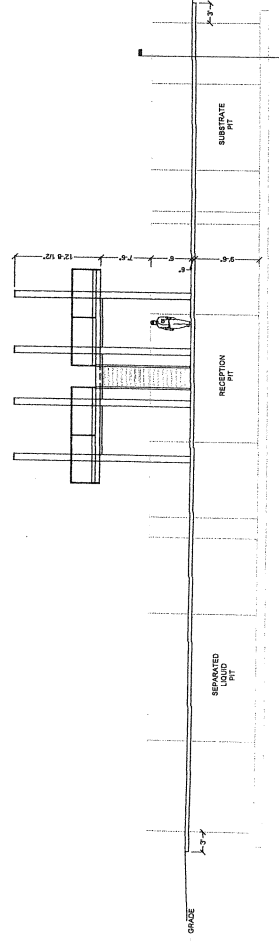
ISSUED FOR PERMIT
 DRAWING NUMBER: S201



1 RECEPTION PIT PLAN VIEW
 SCALE: 1/8" = 1'-0"



3 RECEPTION PIT ELEVATION LOOKING SOUTH
 SCALE: 1/8" = 1'-0"



2 RECEPTION PIT ELEVATION LOOKING WEST
 SCALE: 1/8" = 1'-0"

SHEET NOTES

1. SEE SHEET G400 FOR SCHEDULE AND DETAILS FOR EXTERIOR WALL.
2. SEE SHEET G400 FOR SCHEDULE AND DETAILS FOR ROOFING AND INSULATION.
3. SEE SHEET G400 FOR SCHEDULE AND DETAILS FOR ROOFING AND INSULATION.

KEYED NOTES

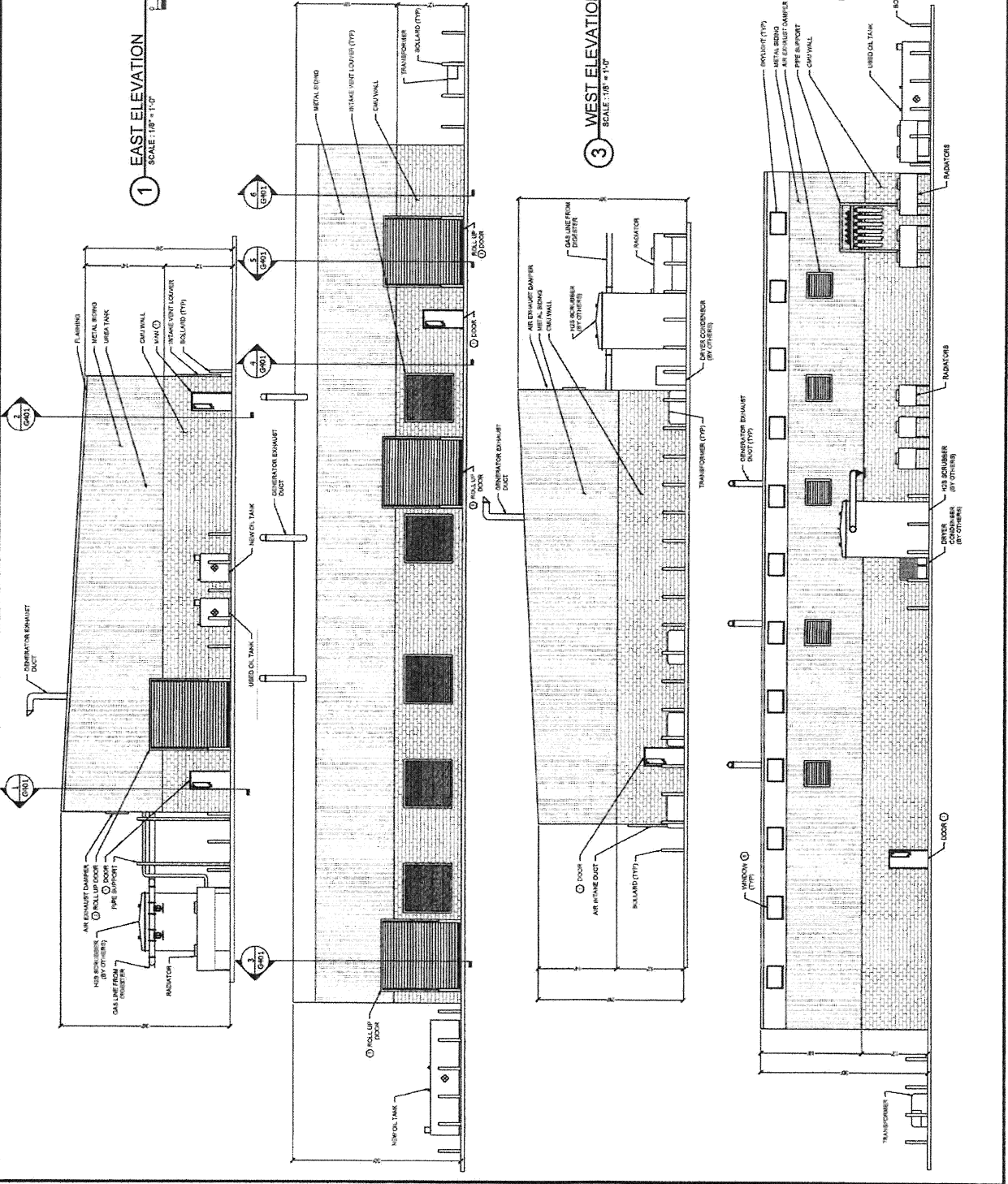
1. METAL FINISH
2. BRICK VENT LOUVER (TYP)
3. CHIMNEY
4. TRANSFORMER
5. ISOLAND (TYP)
6. DOOR
7. WINDOW
8. AIR EXHAUST DAMPER
9. METAL FINISH
10. INSULATION
11. ROOFING
12. GENERATOR EXHAUST DUCT
13. LUBRICANT OIL TANK
14. AIR EXHAUST DAMPER
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16. INSULATION
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194. AIR EXHAUST DAMPER
195. METAL FINISH
196. INSULATION
197. ROOFING
198. GENERATOR EXHAUST DUCT
199. LUBRICANT OIL TANK
200. AIR EXHAUST DAMPER

1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

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

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

4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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G400

CH POWER
BAKERBERRY COE PA
CALIFORNIA
MECHANICAL
BUILDING
EXTERIOR
ELEVATIONS



CHADFORD
ENGINEERING, INC.
10000 CHADFORD DRIVE
DUBLIN, CA 94568
TEL: 925-835-1100
WWW.CHADFORD-ENG.COM

PROJECT NO.	DATE	SCALE	BY
DESCRIPTION	DATE	SCALE	BY
DESIGNED BY	DATE	SCALE	BY
CHECKED BY	DATE	SCALE	BY
APPROVED BY	DATE	SCALE	BY
THIS DRAWING IS THE PROPERTY OF CHADFORD ENGINEERING, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.			

SHEET NOTES

1. SEE ALL NOTES, DIMENSIONS AND DETAILS.
2. SEE SHEET G-401 FOR ROOF PLAN.
3. SEE SHEET G-402 FOR MECHANICAL ROOM DETAILS AND INSTALLATION RESTRICTIONS.

KEYED NOTES

1. MAIN FLOOR. SEE SHEET G-401 FOR ARCHITECTURE.
2. DOUBLE UP DOOR. SEE SHEET G-401 FOR ARCHITECTURE.
3. ROLL UP DOOR. SEE SHEET G-401 FOR ARCHITECTURE.

CH4 Power, Inc.

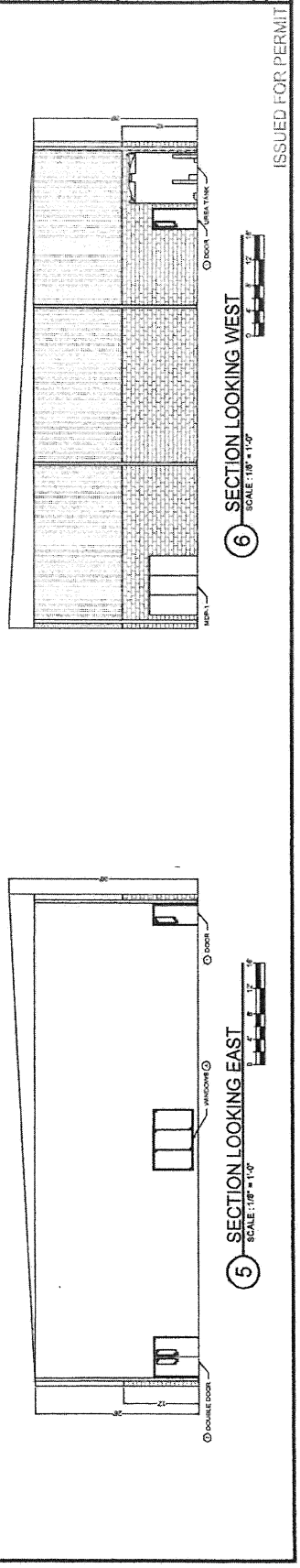
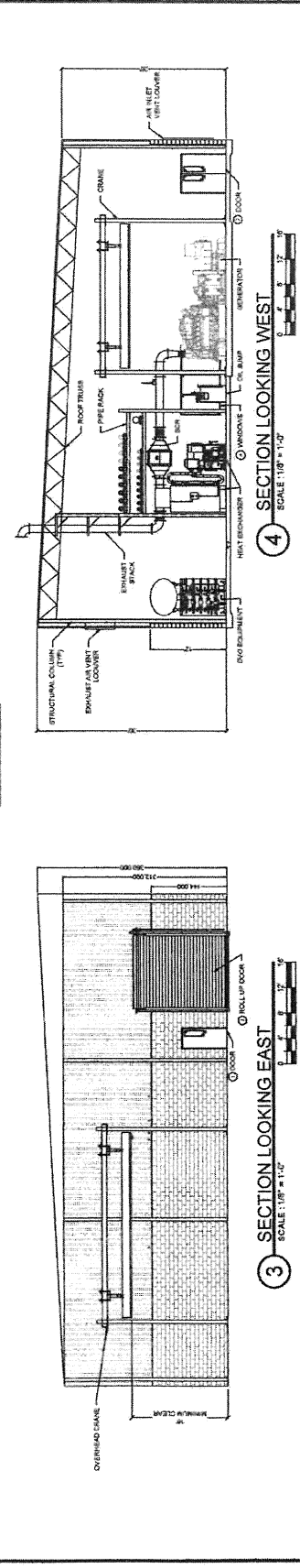
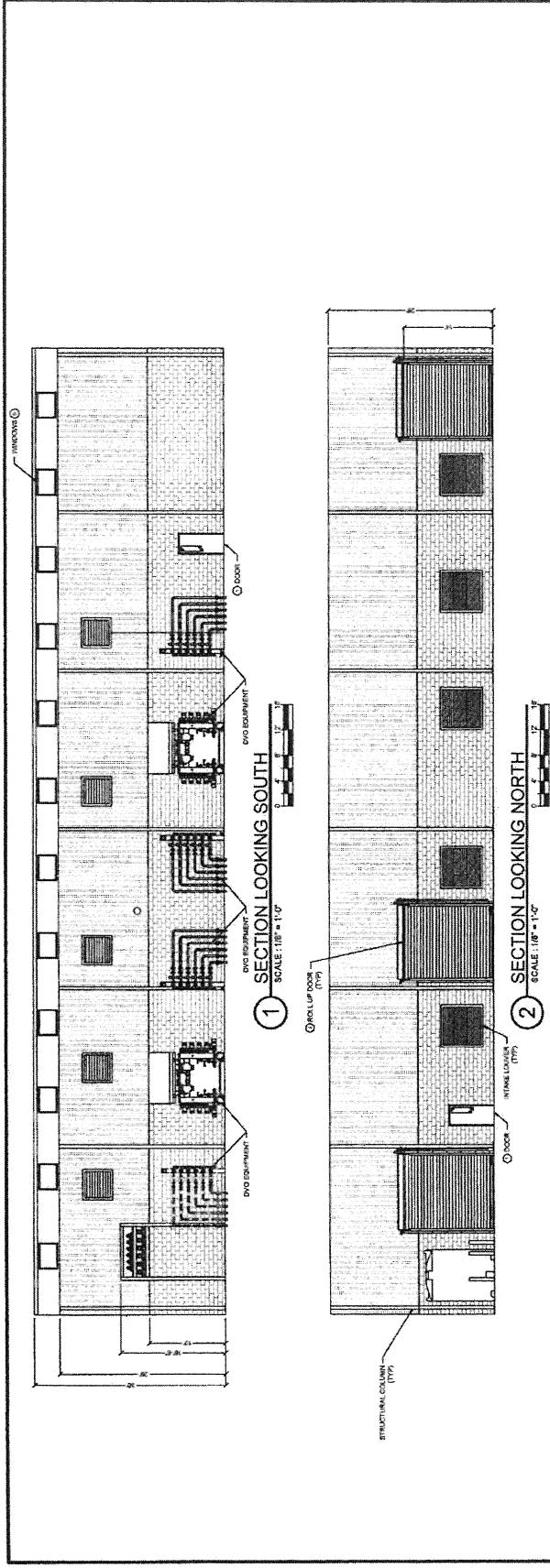
BRADFORD
MECHANICAL ENGINEERING, INC.

DATE: 08/14/18
BY: [Signature]

PROJECT: BARNESFIELD CALIFORNIA MECHANICAL BUILDING INTERIOR SECTIONS

DRAWING TITLE: CH4 POWER CODE #4

DRAWN BY: [Signature]
SCALE: 1/8" = 1'-0"
REVISION DATE: 08/14/18
CHECKED BY: [Signature]
THIS DRAWING PLOTTED AT 1:1 SCALE UNLESS OTHERWISE NOTED.
PLOT: 08/14/18 10:00 AM



ISSUED FOR PERMIT

DRAWING NUMBER: **G-401**

Operational Statement Checklist

1. Nature of the Operation:

Install and operate a DVO complete mixed plug flow digester/ power generator on a dairy facility utilizing the manure only process. In the CH4 Power Inc. system the inground multi-chambered reception pits are plumbed into the existing manure collection system, directing the manure to our reception pits for processing. Thus, eliminating the existing slope screen separation methods currently in use. The reception pit provides the appropriate viscosity adjustment prior to the waste stream entering the digester typically in the range of 9-15% solids. The manure slurry enters the digester as a plug and moves through it in a first in – first out flow for period of (22) day’s retention time. Any rejected liquid during the thickening process is redirected to our separated liquids pit where the liquid is made available for the dairy to use as flush. Our system utilizes 100% of the waste stream thereby eliminating the need for the current slope screen separator that exists today. The biogas produced will be shipped from the digester via a piping system to the mechanical building housing the engine generation system where the methane destruction will occur. Utilizing 100% of the dairy waste to capture Methane CO₂ constituent gases to power an engine generator producing green renewable electric power exported through a 12KV Riser pole 7 feet underground to a proposed PPA agreement of a 12KV point of interconnection with PG&E on the North-East side of the property.

2. Operational time limits:

Days per week: 7 days per week
Hours: 24 hours indoors

3. Number of customers or visitors:

Average number per day: 0 Maximum number per day:0 Hours:0

4. Number of employees:

Unmanned Facility

5. Service and delivery vehicles:

There will be no incremental increase in service trucks or personnel beyond what is normally onsite for dairy operation. Periodic regular maintenance traffic may increase by only 1-2 vehicles weekly to monthly. All service and/or delivery vehicle traffic will use existing access route located on the east side of the dairy.

6. Access to the site:

Public Road: Floral Ave Private Road: Yes Surface: Unpaved dirt

7. Number of Parking spaces for employees, customers, and service/delivery vehicles:

Dirt parking. There will be no additional parking made for employees or delivery vehicles

8. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?

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MAR 17 2017
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

There will be electricity and fertilizer produced on site as a byproduct of the anaerobic digester power generator.

9. What equipment is used?

Equipment	Description
Multi Chamber Reception Pit	3 Chamber Concrete (2 large pits and one smaller pit)
Digester	One concrete hybridized DVO digester vessel
Solid Separation Area	Concrete Pad with wind walls
Solid separation Separator	Typical farm equipment
Generator	MTU 1,145 Kw
Influent manure slope Screen Separator	Typical Farm Equipment

10. What supplies or materials are used and how are they stored?

Materials used will be existing manure from the dairy farm.

11. Does the use cause an unsightly appearance?

The proposed digester project is designed to be generally esthetically pleasing in appearance and painted to match the surrounding facilities. Visually the project is set back to the rear of the dairy facility behind existing lagoons and not visible from the road way from either West Floral Ave. on the north or Jamison Ave. on the east. Additional lighting on or about the project is designed to reduce glare and visual interference. The project will reduce site odor substantially to level greater than 50%. No additional dust will be generated during normal operated of this project.

12. List any solid or liquid wastes to be produced?

Vacuuming the manure is expected to reduce the volume of water currently used for flushing the areas where manure accumulates. The proposed project will utilize the existing wastewater discharge system and will not discharge effluent into any body of water other than the existing Dairy's settling ponds, and storage lagoon. (permitted by the Regional Water Quality Control Board) Solid waste (manure) is either applied to land for fertilizer, utilized for bedding or sold as compost. The maintenance building is not expected to produce any substantial waste products. The employees working at maintenance building and associated office space will generate small amount of office type waste that can be accommodated by the dairies existing trash disposal.

13. Estimated volume of water to be used (gallons per day). Source of water?

No additional water being used.

14. Describe any proposed advertising including size, appearance, and placement.

There is not any proposed advertising.

15. Will existing building be used to will new buildings be constructed?

Addition of a single story, metal maintenance/office building and the digester facilities.

16. Explain which buildings or what portion of buildings will be used in the operation.
Maintenance building and digester facility.

17. Will any outdoor lighting or an outdoor sound amplification system be used?
Sound levels at the site will remain the same or less than those presently being experienced on the dairy during normal dairy operation. Engine generation Db level is rated at 85 DB @3' the exhaust will be routed vertical south through the roof to minimize audible noise level from the enclosed mechanical building. No appreciable increase in ambient noise levels is expected at the project site. Any additional lighting on or about the project is designed to reduce glare and visual interference.

18. Landscaping or fencing proposed
None

19. Any other information that will provide a clear understanding the project or operation.
Manure from the dairy operations goes to the anaerobic digester, manure is then placed in the solid separator. Liquids will go to the existing lagoon and then used for flush water or fertilizer for fields. After the digestion, the manure is composted and used for fertilizer, compost, and bedding. Predicted total methane is 1,656,259 cubic feet per day

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 sign application forms.
Owner of Property: John B Verwey & Ann Verwey
Leaser: CH4 Power Inc. CEO: Ray Brewer



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: CH4 Power
- APPLICATION NOS.: Initial Study Application No. 7286; Classified Conditional Use Permit Application No. 3574
- DESCRIPTION: Allow an anaerobic digester to collect methane (biogas) from an existing dairy operation in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and use methane to fuel an electrical power generator to produce renewable electrical power. Generated electricity will be used both for the dairy operation and to be sold to the power grid.
- LOCATION: The subject property is located on the south side of Floral Avenue approximately 2,642 feet west of its intersection with S. Jameson Avenue and 5.2 miles northeast of the unincorporated community of Helm (11883 W. Floral Avenue, Fresno) (Sup. Dist. 1) (APN 041-030-20S, 47S & 48S).

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

FINDING: NO IMPACT:

The project site is located in an agricultural area and is currently undeveloped. Surrounding land uses include a dairy, field crops, vineyard, and orchard, with sparse single-family residences.

The subject property is not located along a designated scenic highway and no scenic vistas or scenic resources were identified on or near the property to be impacted by this proposal.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would allow installation of an anaerobic digester and related power generator to produce electrical power utilizing the manure only process. The project will be located on an approximately 5.27-acre portion of a 98.14-acre parcel and a 48.48-acre parcel.

The project is located in a remote farming area away from any urban development. Surrounding land uses consist of a dairy to the north and active farmland to the east, south and west of the proposal.

The proposed improvements consist of a 75,289 square-foot digester, 11,750 square-foot mechanical building and a solid separation area. Support facilities include a manure reception pit and lagoons located on an adjacent 159.26-acre dairy site. The maximum height of the proposed structure (digester building) is 30 feet. The height and design of the proposed digester, mechanical building and improvements related to solid separation area are comparable to other buildings and structures on the dairy site. The proposed improvements will not bring any significant changes to the visual character of the site or the surrounding area.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Any proposed outdoor lighting for the project has the potential of generating glare in the area. To mitigate such impact, a mitigation measure has been included requiring all lighting to be hooded and directed away from adjacent properties and public streets.

* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with Agriculture zoning on the property and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The subject property is classified as Farmland of Statewide Importance on the 2014 Fresno County Important Farmland Map and is currently enrolled in a Williamson Act Land Conservation Contract (AP 4704).

According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, the electrical power generation facilities that sell the generated electricity to the grid are not permitted on land enrolled in the Agricultural Land Conservation Program and required the Applicant to file a Notice of Nonrenewal for the areas proposed for the digester and power generation facilities. The Applicant has filed a Notice of Nonrenewal with Policy Planning and it is currently in process.

- 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?

FINDING: NO IMPACT:

The project site is currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. The proposal is not in conflict with the existing zoning and the site is not an active forest land nor does it support trees that may be commercially harvested.

- 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:

As noted above, the subject proposal is a compatible use on the subject agricultural land with discretionary land use approval. The project will not bring significant changes to the environment.

The Fresno County Agricultural Commissioner's Office 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 violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the San Joaquin Valley Air Pollution Control District (Air District), the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. As such, the project will have no significant adverse impact on air quality and is not subject to Air District Rule 9510 (Indirect Source Review).

The project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and shall submit an Authority to Construct (ATC) application with the District prior to construction. Other Air District Rules that may also apply to this proposal include District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. These requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not create objectionable odors to affect people on or around the proposed facility. The Air District reviewed the project and expressed no specific concerns related to odor. However, as noted above, the project may be subject to District Rule 4102 (Nuisance).

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?

FINDING: NO IMPACT:

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

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

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project site is non-active farmland with no improvements. No wildlife or fish movement features (e.g., waterways, arroyos, ridgelines) or any wildlife nursery sites are present on the property. The project will not impact these resources.

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

FINDING: NO IMPACT:

The project site contains no biological resources and no trees. The project is not subject to the County tree preservation policy or ordinance.

- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

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

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFIACNT IMPACT:

The project site is not within or near an area sensitive to historical, archeological or paleontological resources. The project impact on these resources will be less than significant.

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074. The project was routed to Table Mountain Rancheria and Dumna Wo Wah Tribal Government for review and comments.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

- 1. Rupture of a known earthquake?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides.

- 4. Landslides?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The Development Engineering Section of the Development Services Division reviewed the proposal and requires that any additional run-off generated by the proposed development of the site must be retained or disposed of per County Standards and a Grading Permit or Voucher shall be obtained for any grading proposed with this application. These requirements will be included as Project Notes and addressed through Site Plan Review recommended as a Condition of Approval.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

The project does not require installation of an on-site sewage disposal system.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns related to wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; 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 or would cause any accidental release of hazardous materials into the environment.

The project would install an anaerobic digester/power generator on portions of a 98.14-acre parcel and a 48.48-acre parcel to produce electrical power utilizing the manure only process. The manure from a dairy adjacent to the project site will be collected in a reception pit and transported to a solid separation area where the solid will be separated from the liquid and transported to the digester via a piping system. Liquid will go to the existing lagoon at the dairy site and used for flush water or fertilizer for fields. The Methane (biogas) produced by the digester will be transported from the digester via a piping system to a mechanical building housing the engine generation system where the Methane destruction will occur. The electricity generated at the mechanical building will be exported to the dairy via overhead power transmission line for use in dairy operations and also be provided to PG&E power grid via a 12kV point of interconnection on the northeast corner of the dairy site near Floral Avenue.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and expressed no concerns related to handling or disposal of any hazardous material.

The project is not located within one quarter-mile of a school. The nearest school, Burrel Elementary School, is approximately 4.6 miles south of the project site.

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

FINDING: NO IMPACT:

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

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan area, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, NAS Lemoore near the City of Lemoore, is approximately 13.2 miles south of the site.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project will not impair the 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 project site is not located within or adjacent to a wildland fire area. The project will not expose persons or structures to wildland fire hazards.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project itself will produce no solid or liquid wastes. The liquid waste (manure) coming out of the solid separation area will go to the existing lagoon on the dairy site and the solid waste (manure) that is entering the digester will dry out and be used for bedding and fertilizer once digester operation is complete. According to the Applicant's Operational Statement, no effluent will be discharged into any body of water other than the existing dairy's storage lagoon as permitted by the Regional Water Quality Control

Board (RWQCB). The project was routed to the RWQCB, but no concerns were expressed by that agency.

- 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: NO IMPACT:

According to the Applicant's Operational Statement, the project will utilize no additional water than is currently being used for the existing dairy operation.

The property is not within a designated low-water area of Fresno County. The Fresno County Water/Geology/Natural Resources Section of the Development Services Division reviewed the proposal and expressed no concerns related to water availability for the project. The project construction and/or operation will not affect groundwater resources.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No stream or river exists on the property.

As noted above in Section VI. B. Geology and Soils, any changes to the existing drainage pattern resulting from this proposal will require a Grading Permit or Voucher from the Development Engineering Section of the Development Services Division. Additionally, any run-off generated by the site development will be required to be retained on site per County Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this application.

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

FINDING: NO IMPACT:

According to Federal Emergency Management Agency (FEMA) FIRM Panel 2575H, the subject property is not subject to the flooding from a 100-year-storm.

- I. Would the project expose persons or structures to levee or dam failure; or
J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject site is not prone to a seiche, tsunami or mudflow, nor is the project likely to expose persons or structures to potential levee or dam failure. No levee or dam exists near the site.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community; or

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest unincorporated community of Helm is approximately 5.2 miles southwest of the subject proposal.

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

FINDING LESS THAN SIGNIFICANT IMPACT:

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

The County General Plan allows the proposed facility in an agriculturally-zoned area by discretionary land use approval provided applicable General Plan policies are met. Regarding Policy LU-A.3, Criteria a. b. c. d., the proposed project is required to be near and tied to the existing dairy operation in order to produce electricity via a manure only process; is not located on prime farmland; will not utilize any water to impact the groundwater table; and can be provided with adequate workforce from the nearby

communities of Helm and Raisin City. Regarding Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14, the project is a compatible use pursuant to Policy LU-A.3 and will be located at an adequate distance from the adjacent farming operations. Regarding Policy PF-C.17 and Policy PF-D.6, the project will not use any water to impact groundwater supply and will not install on-site sewage disposal systems to potentially affect groundwater quality.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No impacts on mineral resources were identified in the analysis. The site is not located in a mineral resource area as identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

The project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located near an airport or a private airstrip. The nearest airport, NAS Lemoore near the City of Lemoore, is approximately 13.2 miles south of the site.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not impact housing or induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
 - 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

The project will not impact neighborhood or regional parks.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the project will not incrementally increase service trucks or personal vehicles beyond what is normally on site for dairy operation. Periodic regular maintenance trucks may increase by one to two vehicles weekly to monthly.

The Design Division of the Department of Public Works and Planning reviewed the proposal and expressed no concerns related to traffic. No Traffic Impact Study was required for the project.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns. The tallest proposed building on the property (30-foot-tall digester building) will not impact air traffic.

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

FINDING: NO IMPACT:

The project does not propose to alter existing roadway designs within the project area, which has been designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features. No concerns were expressed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

All service and/or delivery vehicle traffic will use the existing dirt road at the dairy site off Floral Avenue to get to the project site.

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

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans. As such, no impacts associated with public transit or pedestrian and bicycle hazards are expected from this proposal.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

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: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICATION IMPACT:

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

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: 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: LESS THAN SIGNIFICANT IMPACT:

The project will generate small amounts of office waste that will be accommodated by the dairy's existing trash disposal to the local landfill.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would not degrade the quality of the environment; reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of an endangered, rare, or threatened species. No impacts on biological resources were identified in the analysis. Impacts to cultural resources as identified in Section V. A. B. C. D. will be mitigated to a less than significant level.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than aesthetics and cultural resources, which will be addressed with the Mitigation Measures discussed in Section I. D. and Section V. A. B. C. D.

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

FINDING: NO IMPACT:

The proposed project would not directly or indirectly cause substantial adverse effects on human beings.

CONCLUSION/SUMMARY

Based upon Initial Study (IS) No. 7286 prepared for Classified Conditional Use Permit Application No. 3574, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to biological resources, hazards and hazardous materials, mineral resources, noise, population and housing, and recreation.

Potential impacts related to agricultural and forestry resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Streets, Fresno, California.

EJ:
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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7286	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): CH4 Power	Project Title: Classified Conditional Use Permit Application No. 3574		
Project Description: Allow an anaerobic digester to collect methane (biogas) from an existing dairy operation in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and use methane to fuel an electrical power generator to produce renewable electrical power. Generated electricity will be used both for the dairy operation and to be sold to the power grid. The subject property is located on the south side of Floral Avenue approximately 2,642 feet west of its intersection with S. Jameson Avenue and 5.2 miles northeast of the unincorporated community of Helm (11883 W. Floral Avenue, Fresno) (Sup. Dist. 1) (APN 041-030-20S, 47S & 48S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7286) prepared for Classified Conditional Use Permit Application No. 3574, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, hazards and hazardous materials, mineral resources, noise, population and housing, and recreation. Potential impacts related to agricultural and forestry resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics has been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 18 , 2017		Review Date Deadline: September 18, 2017	
Date: August 16, 2017	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**