



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 January 25, 2018

**SUBJECT:** Initial Study Application No. 7353 and Classified Conditional Use Permit Application No. 3590

Allow an increase in the number of mature milk cows from 5,384 to 6,084 (net increase of 700 head) for an existing dairy and allow the use of methane from an existing lagoon digester to fuel a new gas engine to produce renewable electrical power for the dairy operation and to be sold to the power grid on an approximately 215-acre portion of a 518.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject property is located on the southeast corner of Howard and Elkhorn Avenues approximately 1.4 miles west of the unincorporated community of Burrel (12103 W. Elkhorn Avenue, Burrel, CA) (Sup. Dist. 1) (APN 050-170-41S).

**OWNER:** Eric and Katelyn te Velde  
**APPLICANT:** Warren Hutchings

**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. 7353; and
- Approve Classified Conditional Use Permit (CUP) No. 3590 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/Floor Plans
6. Project Description and Operational Statement
7. Summary of Initial Study Application No. 7353
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	518.45 acres	No change
Project Site	<ul style="list-style-type: none"> <li>• Free stall barns/exercise pens</li> <li>• Mechanical separation/ manure drying area</li> <li>• Methane scrubbing facility</li> <li>• Anaerobic digester</li> <li>• Calf pens</li> <li>• Shop</li> <li>• Open lot corral and corral sheds</li> <li>• Hay barns</li> <li>• Commodity barn</li> <li>• Feed storage area</li> <li>• Single-family residence</li> <li>• Wastewater retention ponds</li> <li>• Scale</li> </ul>	Allow an increase in the number of mature milk cows from 5,384 to 6,084 (net increase of 700 head) for an existing dairy and allow the use of methane from an existing lagoon digester to fuel a new gas engine to produce renewable electrical power for the dairy operation and to be sold to the power grid
Structural Improvements	<ul style="list-style-type: none"> <li>• Free stall barns/exercise pens</li> <li>• Methane scrubbing facility</li> <li>• Calf pens</li> </ul>	No change

Criteria	Existing	Proposed
	<ul style="list-style-type: none"> <li>• Shop</li> <li>• Corral sheds</li> <li>• Hay barns</li> <li>• Commodity barn</li> <li>• Single-family residence</li> </ul>	
Nearest Residence	None	None
Surrounding Development	Orchard, field crops	No change
Operational Features	A dairy with related improvements	<p>The project will:</p> <ul style="list-style-type: none"> <li>• Add 700 milk cows to an existing dairy</li> <li>• Install a gas engine to produce renewable electrical power</li> <li>• Use electrical power for dairy operation and sell excess power to PG&amp;E</li> <li>• All connections from engine to the existing lagoon and the PG&amp;E power transmission line will be underground</li> </ul>
Employees	29	No change
Customers	None	None
Traffic Trips	<ul style="list-style-type: none"> <li>• 58 one-way employee trips (29 round trips) daily</li> <li>• Up to 20 one-way service and delivery vehicle trips (10 round trips) daily</li> </ul>	No change
Lighting	Outdoor lighting	No change
Hours of Operation	6 a.m. to 4 p.m. (day shift) 6 p.m. to 4 a.m. (night shift)	No Change

**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 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: December 20, 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:**

According to the County records, the existing dairy was established as a by-right use on the property. A change in the text of the Zoning Ordinance in October of 2007 required that any dairy expansion which exceeds a capacity of 500 cattle would be subject to the provisions of Section 873 (uses permitted subject to Conditional Use Permit). The subject proposal will add 700 milk cows to the existing dairy, and therefore requires this land use application, and be subject to the standards outlined in Section 869 of the Zoning Ordinance. The project would also allow installation of a gas engine to produce renewable electrical power. The power will be used for the dairy operation and will be sold to the PG&E power grid. The engine will be located inside an existing structure on the property and will make underground connections to an existing lagoon and PG&E transmission line. No other changes are proposed by this application and all existing improvements on the property will remain intact and continue to be used by the dairy.

The project site is under Agricultural Land Conservation (Williamson Act) Contract (ALCC) No. 1521. Due to the non-compatibility of the subject proposal with contracted land, a Notice of Partial Non-Renewal is required to remove a 7.65-acre portion of the subject 518.45-acre property from the Contract. The Non-Renewal has been filed and will require its completion prior to issuance of building permits for the use.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Street Side: 35 feet Side: 20 feet Rear 20 feet	N/A	N/A. No changes to the existing buildings/ structures on the property
Parking	One parking space for every two permanent employees and one parking space for	No change to the existing on-site parking	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	each company-owned vehicle		
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	Separation between animal shelter and building for human occupancy: 40 feet	The nearest corral shade is approximately 366 feet from a single-family residence	Yes
Wall Requirements	Per section 855-H.2 of the County Ordinance Code	No requirement	Yes
Septic Replacement Area	100 percent of the existing system	100 percent of the existing system	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change to the current water well and septic system(s) on the property	N/A

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

Zoning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

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 no changes to the existing improvements would occur from this proposal. The new gas engine proposed by this application will be installed within an existing structure on the property.

All existing improvements for the dairy meet the minimum building setback requirements of the AE-20 Zone District and are provided with adequate on-site parking.

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Elkhorn Avenue; Poor condition	No change
Direct Access to Public Road	Yes	Elkhorn Avenue	No change
Road ADT (Average Daily Traffic)		300	No change
Road Classification		Local (existing total road right-of-way: 60 feet)	No change
Road Width		30 feet south of section line with 24 feet pavement	No change
Road Surface		Asphalt-concrete paved	No change
Traffic Trips		<ul style="list-style-type: none"> <li>• 58 one-way employee trips (29 round trips) daily</li> <li>• Up to 20 one-way service and delivery vehicle trips (10 round trips) daily</li> </ul>	No change
Traffic Impact Study (TIS) Prepared		N/A. The existing diary was established as a by-right use	No TIS required by Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		Good	Not required

**Reviewing Agency/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

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

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

**Analysis:**

The project site gains access from Elkhorn Avenue. Elkhorn Avenue is a County-maintained road with an Average Daily Traffic (ADT) of 300 with pavement width of 24 feet. The project proposes no changes to the current site access.

According to the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning, the three gravel access roads to the site off Elkhorn Avenue are of adequate width and condition to accommodate the proposal.

Based on the above discussion, staff believes Elkhorn Avenue will remain adequate to accommodate the proposal.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	24.1 acres 139 acres	Orchard	AE-20	None
South	576.2 acres	Farmland	AE-20	None
East	128 acres	Farmland	AE-20	None
West	606.2 acres	Farmland	AE-20	None

**Reviewing Agency/Department Comments:**

Pursuant to provision G.4 of the reissued General Order (R5-2013-0122), prior to starting discharge associated with the dairy expansion, the project proponent shall submit a Report of Waste Discharge (RWD) with the Central Valley Regional Water Quality Control Board. This requirement has been included as a Mitigation Measure.

Fresno County Fire Protection District: Any future development on the property will be subject to the requirements of the current Fire Code and Building Code and annexation to the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

San Joaquin Valley Air Pollution Control District: The project will be subject to following rules: District Regulation VIII (Fugitive PM10 Prohibitions), 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 project may also be subject to the following rules specific to confined animal operations: Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials; Rule 4550 (Conservation Management Practices) limits fugitive dust emissions from agricultural operation sites; and Rule 4570 (Confined Animal Facilities) applies to dairies with greater than or equal to 500 milk cows and requires filing of an application with the Air District. Additionally, prior to the start of project operation, the Applicant shall contact the District's Small Business Assistance Office to determine if the project will require an Authority to Construct (ATC) application.

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).

Road Maintenance and Operations Division, Building and Safety Section, Zoning Section, Design Division, and Water and Natural Resources Division of the Fresno County Department of Public Works and Planning; Fresno County Department of Public Health; Fresno County Department of Agriculture; Santa Rosa Rancheria Tachi Yokut Tribe; and Dumna Wo Wah Tribal Government: No concerns with the proposal.

#### **Analysis:**

The subject proposal would increase the number of mature milk cows from 5,384 to 6,084 (net increase of 700 head) for an existing dairy. The proposal would also include use of methane from an existing lagoon digester to fuel a new gas engine to produce renewable electrical power for the dairy operation and to be sold to the PG&E power grid.

The Initial Study prepared for this project identified potential impacts related to aesthetics, cultural resources and hydrology and water quality. Regarding aesthetics, all outdoor lighting would be required to be hooded and directed downward so as not to shine upon adjacent roads and properties. Regarding Cultural Resources, any cultural resources or human remains discovered during ground-disturbance activities will require all work stopped and findings evaluated by an archeologist. Regarding hydrology and water quality, a Report of Waste Discharge (RWD) would be required to be submitted to the Central Valley Regional Water Quality Control Board prior to starting discharge associated with the dairy expansion. These requirements have been included as Mitigation Measures.

Potential Impacts related to air quality and public services have been determined to be less than significant. The project will comply with the Air District permitting requirements and any future development on the property will be subject to the requirements of the current Fire Code and Building Code and property annexation to the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Additionally, pursuant to Section 869 of the County Ordinance, an Emergency Response Plan, Vector Control Program, Mortality Program and Nutrient Management Plan were also prepared for the project and reviewed by the agencies.

The project site is within an area moderately sensitive to historical, archeological or paleontological resources. Pursuant to AB (Assembly Bill) 52, County staff initiated consultation with the Dumna Wo Wah Tribal Government to determine the project's potential impact to Tribal Cultural Resources (TCRs). In that regard, an archeological record search conducted by the Southern San Joaquin Valley Information Center (SSJVIC) did not find any cultural resources



present on the site of the project and the Native American Heritage Commission (NAHC) Sacred Land File records search was negative.

Based on this information, the Tribe was requested to provide evidence establishing the existence of Tribal Cultural Resources on the project site, which satisfies the criteria of Public Resources Code Section 21074(a)(2). The Tribe was also invited to meet with staff and discuss the information provided by SSJVIC and NAHC. Given no follow-up contact being made by the Tribe, staff was unable to come to a consensus on the presence of TCRs or the need for site-specific mitigation. However, given the fact that the project site is located in an area of moderate archeological sensitivity, staff feels the mitigation measure included in the Initial Study (Exhibit 7, Section V. Cultural Resources) will suffice in reducing impact on Tribal Cultural Resources resulting from this proposal.

Based on the above information and with the adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon the surrounding neighborhood.

**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*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3 (Agriculture and Land Use): allows agriculturally-related uses by discretionary permit, provided that they meet the following criteria:</p> <ul style="list-style-type: none"> <li>a. 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.</li> <li>b. 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.</li> <li>c. Criteria LU-A.3.c. states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a ¼-mile radius.</li> <li>d. Criteria LU-A.3.d. states that a probable workforce should be located nearby or readily available.</li> </ul>	<p>With regard to Criteria “a”, the project is an expansion of an existing dairy. Authorized as a by-right use, the dairy from its current location is already serving the surrounding communities.</p> <p>With regard to Criteria “b”, the project is not located on a prime farmland. The project site is designated as Confined Animal Agriculture on the 2014 Fresno County Important Farmland Map.</p> <p>With regard to Criteria “c”, the project will use limited groundwater and, therefore, will have less than significant impact on water resources.</p> <p>With regard to Criteria “d”, the project site is near the unincorporated community of Burrel which can provide adequate workforce.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.12: In adopting land use policies, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agriculture land and that mitigation be required where appropriate.</p>	<p>These policies are met in that the project is located on non-prime farmland land and has been developed with buildings/structures and parking and circulation areas for an existing dairy. The on-site improvements maintain adequate distance from the adjacent farming operations.</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 increase in water usage resulting from this proposal (23,560 gallons per day) will be an insignificant impact on groundwater supply. No concerns related to water sustainability for the project were expressed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning. The project meets this policy.</p>
<p>Policy PF-D.6: County shall permit individual on-site sewage disposal systems on such parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>The project requires no new on-site sewage disposal system. As such, no impacts on groundwater resulting from wastewater disposal would occur.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the General Plan. Policy LU-A.3, a.b.c.d. allows the proposed use in areas designated Agriculture with a discretionary land use permit. Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible land uses. Policy LU-A.13 requires a buffer between non-agricultural uses and agricultural uses, and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and implementation of mitigation where appropriate. Policy PF-C.17 requires evaluation of adequacy and sustainability of water supply for the project. Policy PF-D.6 requires individual on-site sewage disposal systems to not threaten surface or groundwater quality.

**Analysis:**

The project entails expansion of an existing dairy operation. The expansion includes addition of 700 milk cows and use of methane from an existing lagoon digester to fuel a new gas engine to produce renewable electrical power for the dairy operation and to be sold to the power grid.

The project meets the intent of Policy LU-A.3 as discussed above in General Plan Consistency/Consideration. Concerning consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the project site is non-prime farmland and has been developed with improvements related to a dairy which maintains significant distance from surrounding farming operations. Concerning consistency with Policy PF-C.17 and Policy PF-D.6, limited water usage by the project will have a less than significant impact on groundwater resources and the project will not require installation of a new on-site sewage disposal system.

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. 3590, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7353; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3590, 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. 3590; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

EA:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3590\SR\CUP3590 SR.docx

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7353/Classified Conditional Use Permit Application No. 3590  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measure</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1*.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2*.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
3*.	Hydrology and Water Quality	Pursuant to provision G.4 of the reissued General Order (R5-2013-0122), prior to starting discharge associated with the dairy expansion, the project proponent shall submit a Report of Waste Discharge (RWD) with the Central Valley Regional Water Quality Control Board.	Applicant	Applicant/Regional Water Quality Control Board	As noted
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan and Operational Statement approved by the Planning Commission				
2.	A Notice of Non-Renewal for a 7.65-acre portion of the property restricted by Williamson Act Contract No. 1521 shall be recorded with the County Recorder's office. The Notice shall be recorded prior to the issuance of building permits for the use.				

\*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.

**EXHIBIT 1**

**Notes**

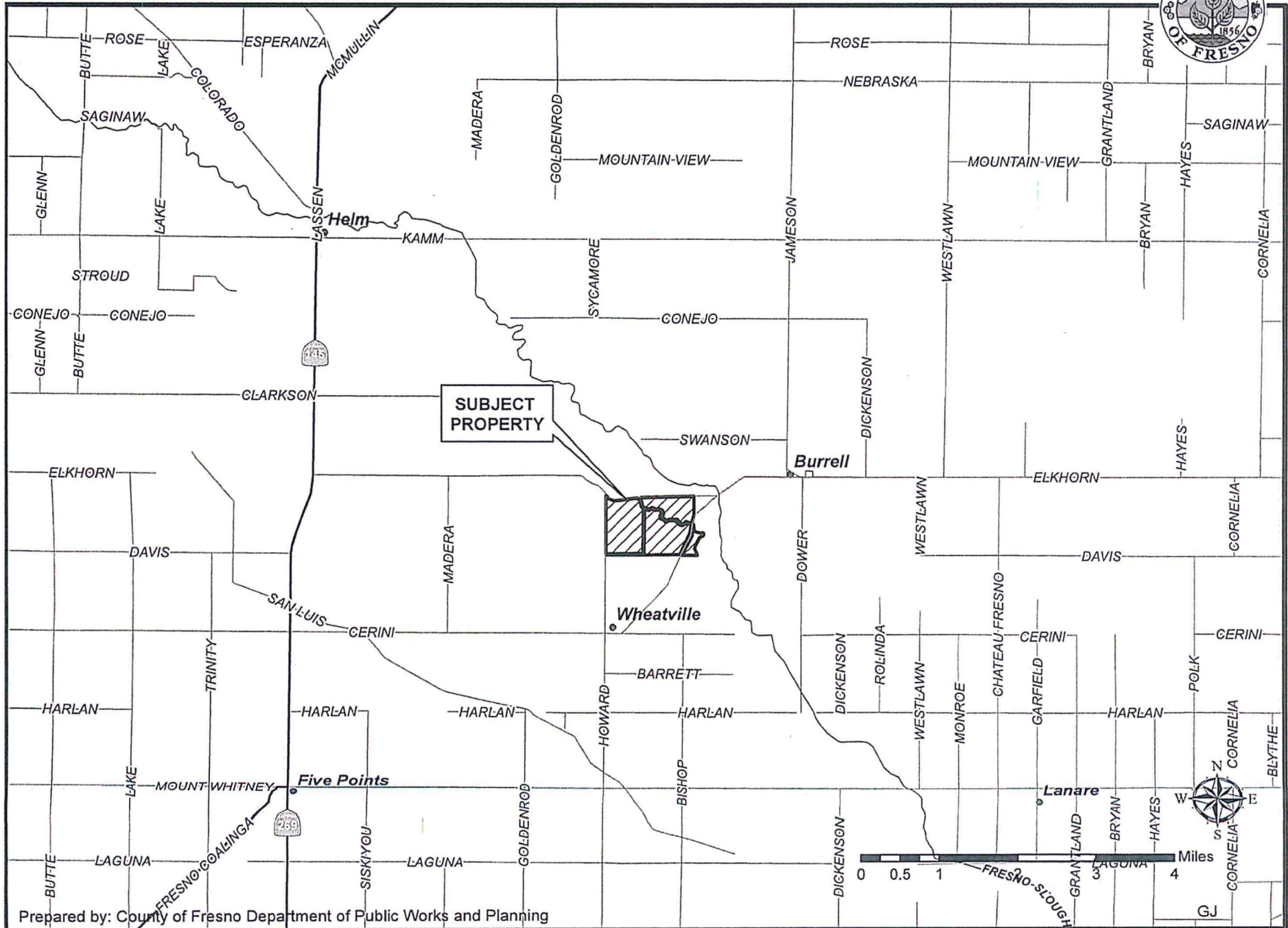
**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

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 concrete slab for the engine and a plumbing and electrical permit for the gas engine installation. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires the following:</p> <ul style="list-style-type: none"> <li>• District Regulation VIII (Fugitive PM10 Prohibitions)</li> <li>• Rule 4601 (Architectural Coatings)</li> <li>• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)</li> <li>• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed</li> <li>• Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials</li> <li>• Rule 4550 (Conservation Management Practices) limits fugitive dust emissions from agricultural operation sites</li> <li>• Rule 4570 (Confined Animal Facilities) applies to dairies with greater than or equal to 500 milk cows and requires filing of an application with the Air District</li> <li>• Prior to start of the project operation, the Applicant shall contact the District's Small Business Assistance Office to determine if the project will require an Authority to Construct (ATC) application</li> </ul>
4.	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).
5.	Any future development on the property shall comply with the requirements of the current Fire Code and Building Code and be subject to annexation to the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3590\SR\CUP3590 MMRP (Ex 1).docx

# LOCATION MAP



Prepared by: County of Fresno Department of Public Works and Planning

# EXISTING ZONING MAP

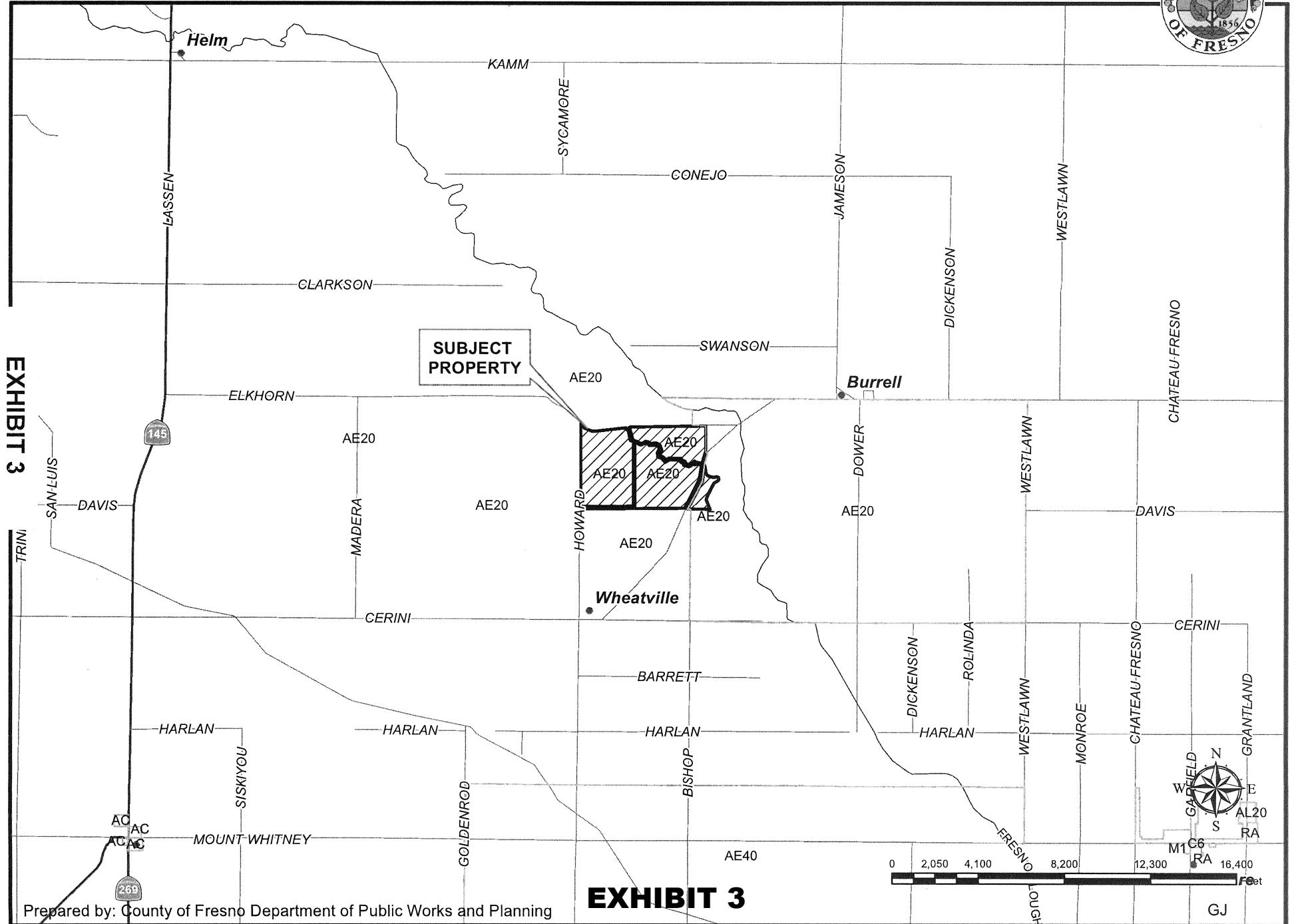
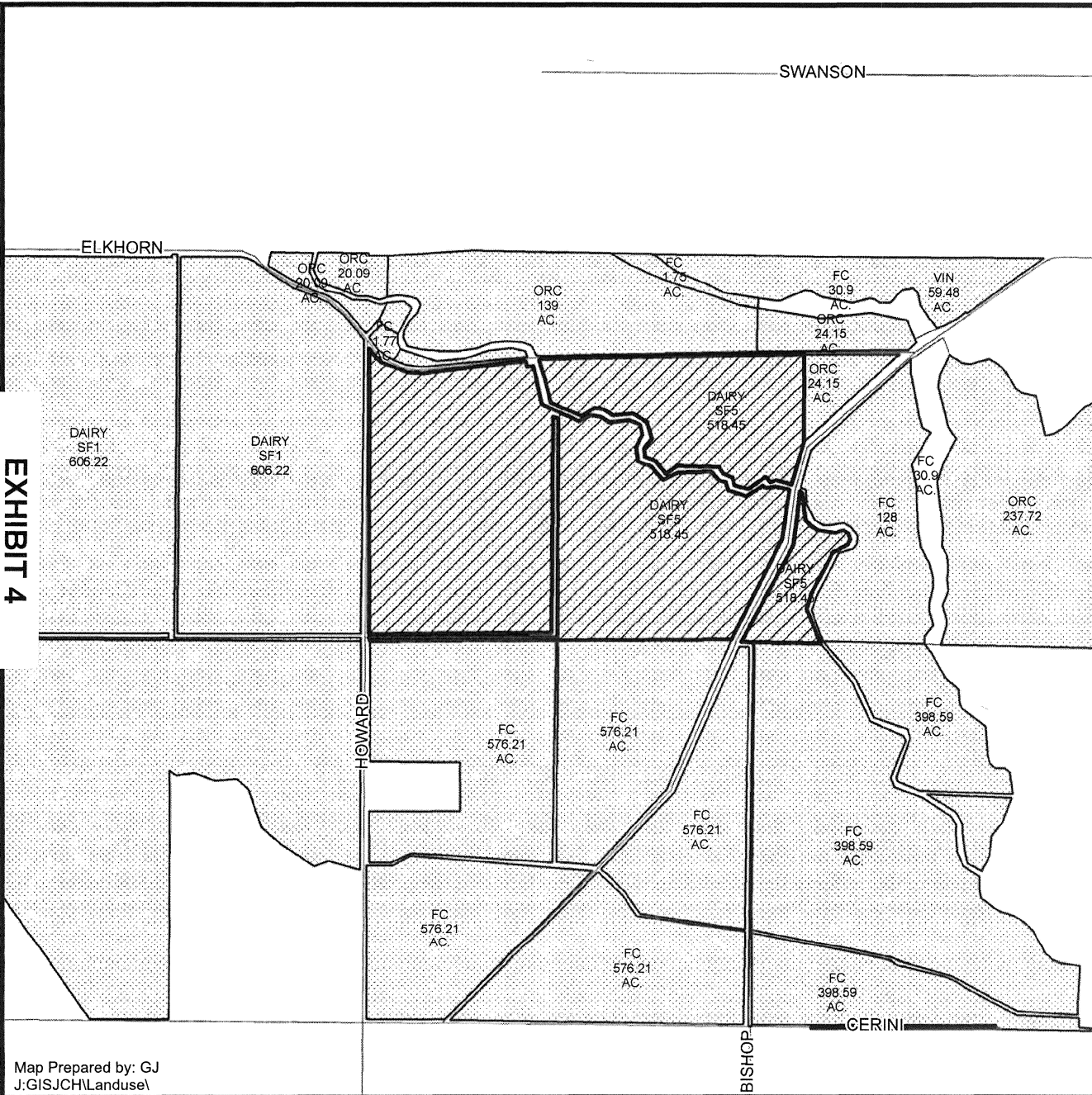


EXHIBIT 3

EXHIBIT 3



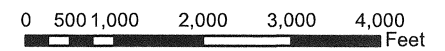
# EXISTING LAND USE MAP



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

**LEGEND:**

-  Subject Property
-  Ag Contract Land



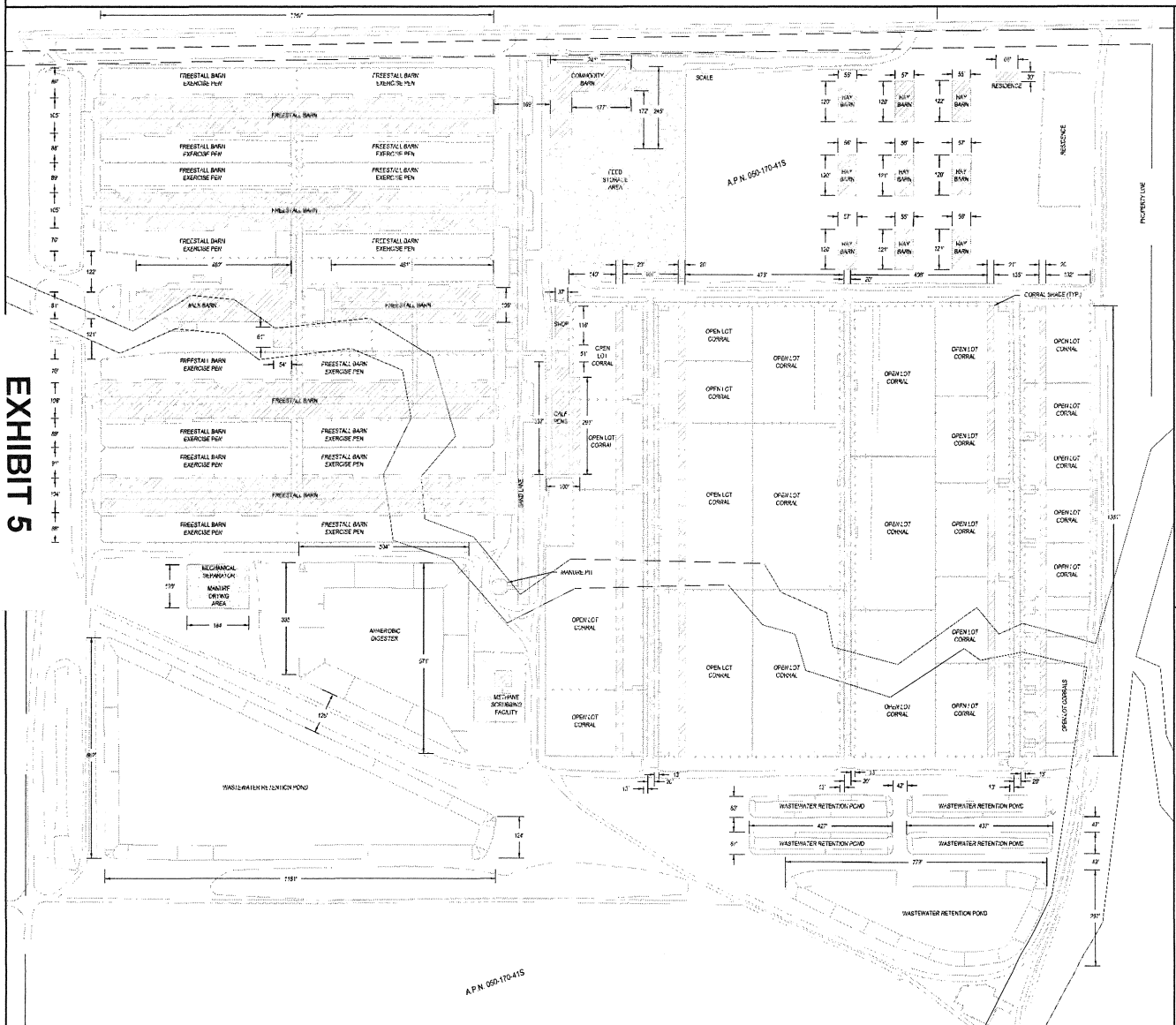
Department of Public Works and Planning  
Development Services Division

Map Prepared by: GJ  
J.GISJCH\Landuse\

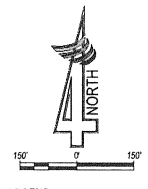
EXHIBIT 4

**EXHIBIT 4**

# OPEN SKY RANCH DAIRY SITE PLAN



OWNER/OPERATOR ERIC TE VELDE  
 ADDRESS 12103 ELKHORN AVENUE  
 RIVERDALE, CA 93656  
 COUNTY FRESNO COUNTY  
 A.P.N. 050-170-041



- LEGEND**
- PROPERTY LINE
  - - - EXISTING FENCELINE
  - COUNTY ROAD
  - EXISTING CONCRETE
  - EXISTING SHADESTRUCTURE
  - EXISTING RETENTION POND

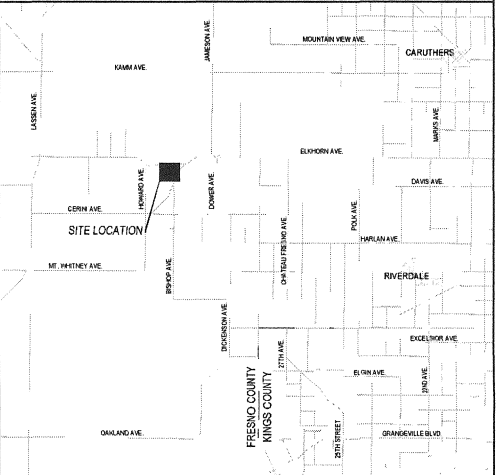


EXHIBIT 5

SITE PLAN

SCALE: 1" = 150'

VICINITY MAP

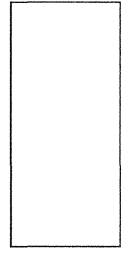
SCALE: 1" = 2 MI.

## EXHIBIT 5

REVISIONS	DATE	BY	DESCRIPTION

OWNER/OPERATOR ERIC TE VELDE  
 ADDRESS 12103 ELKHORN AVENUE  
 RIVERDALE, CA 93656

COUNTY FRESNO COUNTY  
 A.P.N. 050-170-041



DESIGNED BY: SUE A. HARRIS  
 CHECKED BY: JAMES L. HARRIS  
 DRAWN BY: JAMES L. HARRIS  
 DATE: 08/17/2017

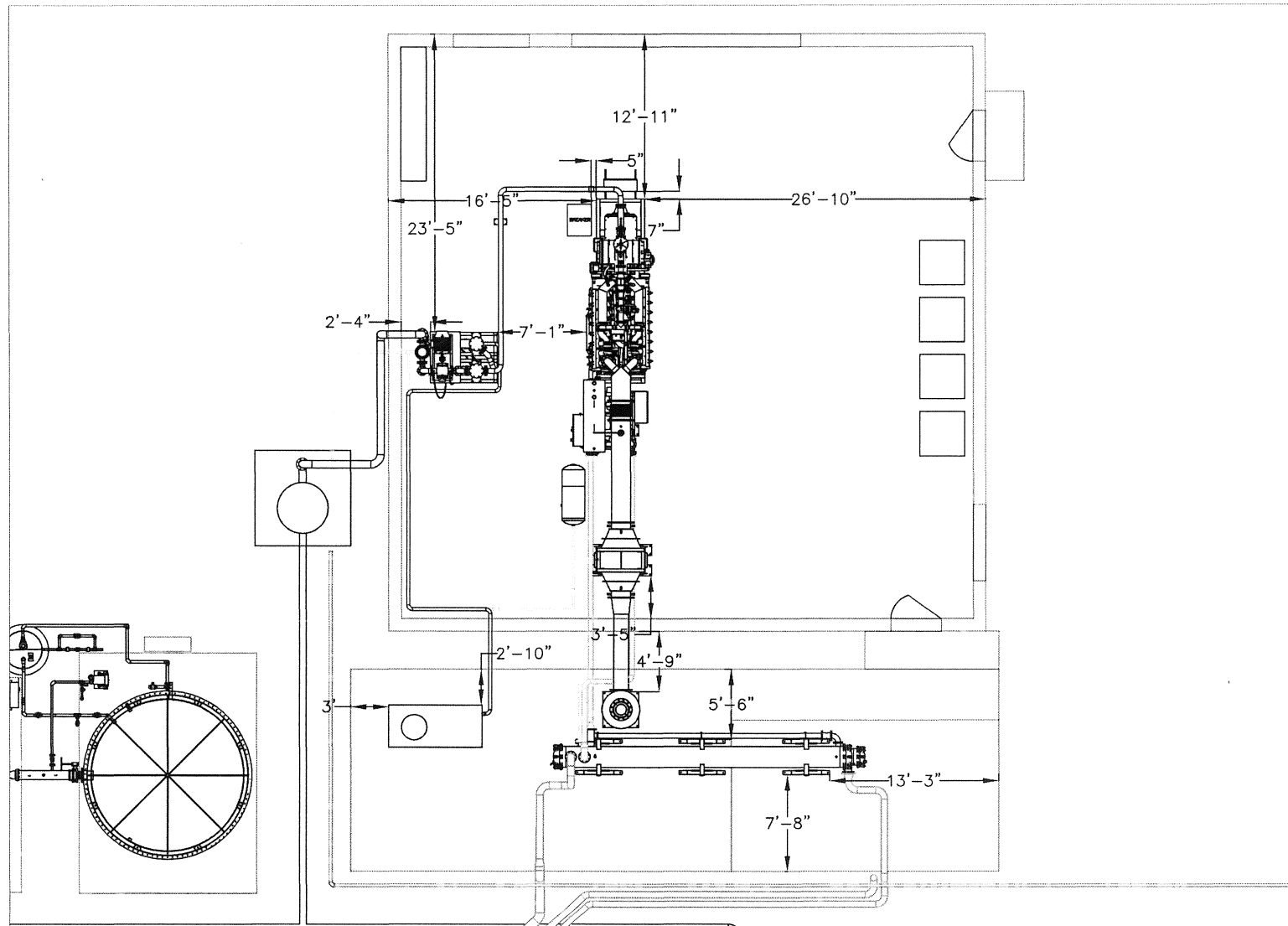
**4CREKS**

PREPARED BY: 4CREKS ENGINEERING  
 1000 N. GARDEN AVENUE  
 SUITE 100  
 RIVERDALE, CA 93656  
 TEL: 562.842.2215  
 FAX: 562.842.2215

CONTRACT NO.: 17153  
 PROJECT NAME: OPEN SKY RANCH DAIRY  
 SHEET TITLE: DAIRY FACILITY MODIFICATIONS  
 SHEET NO.: 1 OF 1

DATE: JUL 17, 2017  
 SHEET NO.: 17153  
 FILE NAME: 17153 SITE PLAN  
 SCALE: SEE SHEET  
 SHEET NO.: 1 OF 1

General Notes

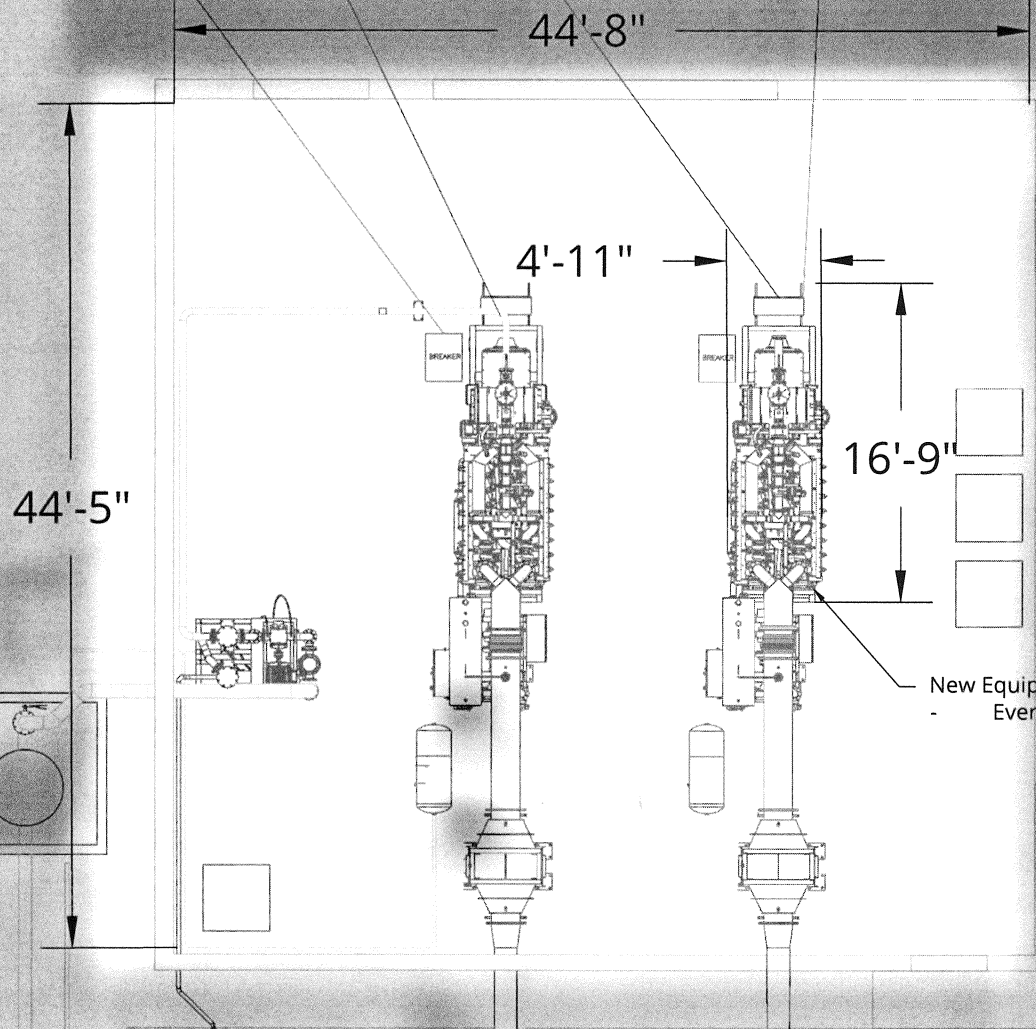


No.	Revision/Issue	Date

Firm Name and Address  
 Maas Energy Works  
 1670 Market St,  
 Suite 256  
 Redding, CA 96001

Project Name and Address  
 Open Sky Ranch  
 Dairy Digester  
 12103 W Elkhorn Ave  
 Riverdale, CA

Project	Sheet
Date 5/2/16	M3



General Notes

CONFIDENTIAL



**MAAS**  
ENERGY WORKS

Firm Address  
3711 Meadowview Dr.  
Redding, CA, 96002

Project Name and Address  
Open Sky #2, 1316-RD  
12103 W Elkhorn Ave.  
Riverdale, CA, 93656

Date  
12/1/17

Drawn By  
Hudson Davis

Version  
**1.0**

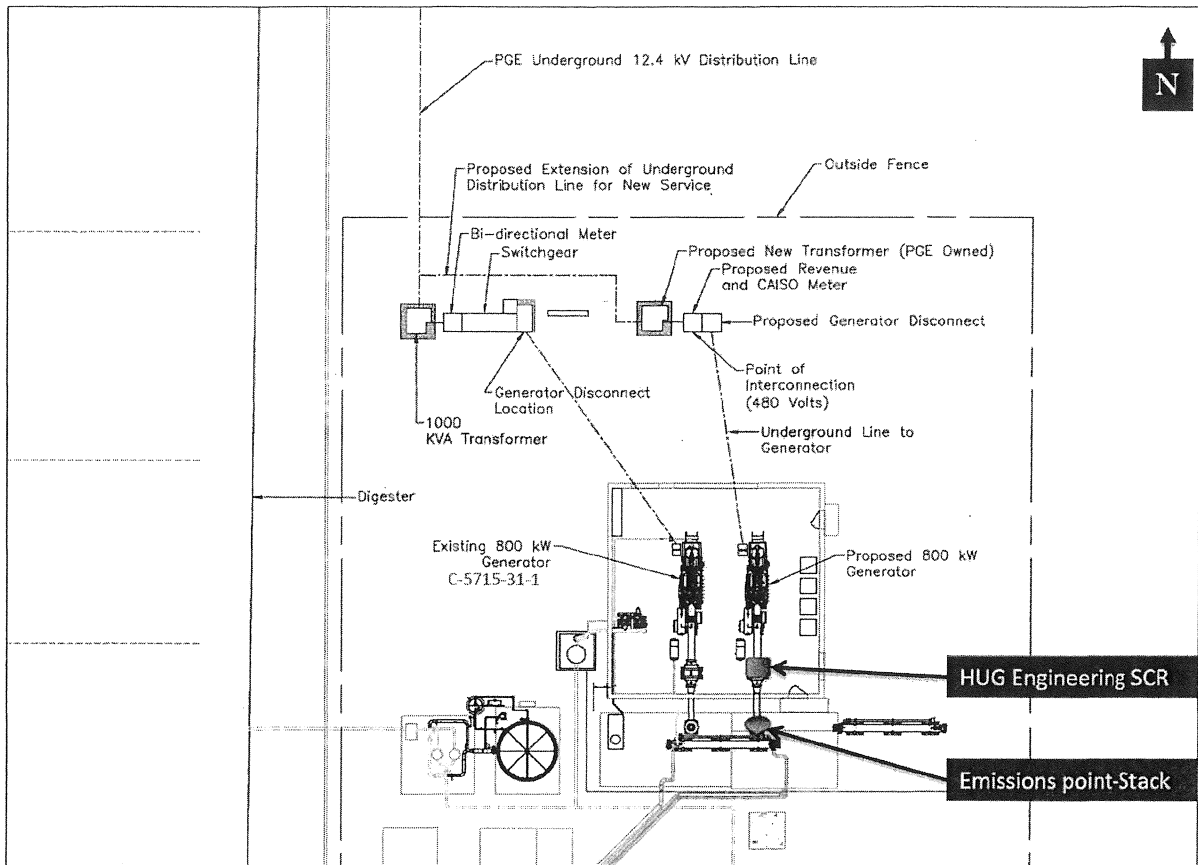
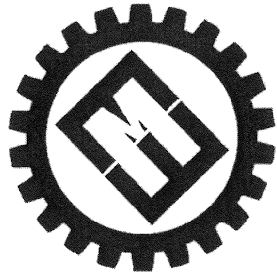


Figure 10 -- Genset Building



# MAAS ENERGY WORKS

## Project Description and Digester Operations

For the Covered Anaerobic Lagoon Digester at Open Sky Ranch

Ver. 3, 1/17/18

Prepared by:

Hudson Davis | Interconnection Project Manager

For:

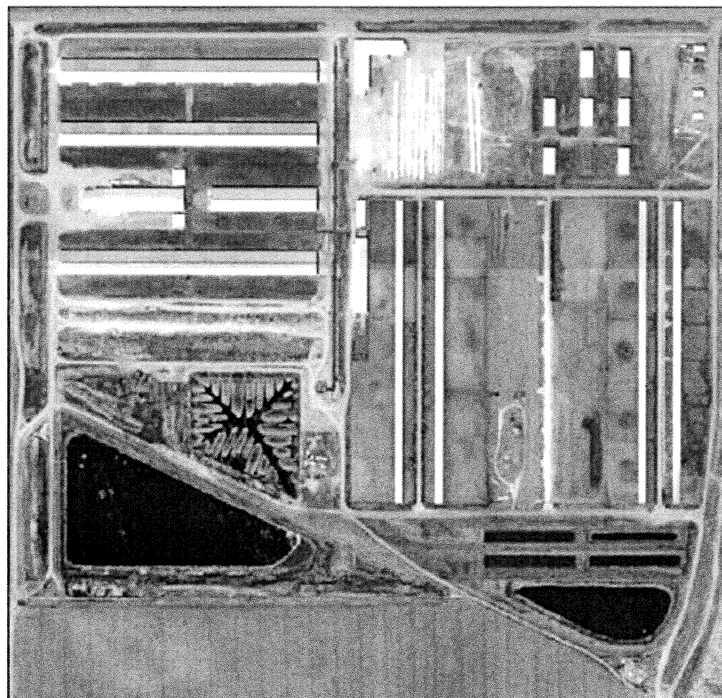
Fresno County

CUP3590

RECEIVED  
COUNTY OF FRESNO

JAN 17 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION



## Table of Contents

1.	Introduction .....	3
A.	Project Location and contact.....	3
a.	Dairy Address .....	3
b.	Farmer Contact.....	3
c.	Project Developer .....	3
B.	Project Overview .....	3
2.	Project Details .....	4
A.	Dairy Cow Numbers:.....	4
B.	Manure flow: .....	5
C.	Digester: .....	5
D.	Operational times:.....	5
E.	Number of customers and visitors: .....	5
F.	Water Resources .....	5
G.	Parking:.....	5
H.	Biogas: .....	5
I.	Electric Generation .....	6
3.	Project Equipment Details .....	7
A.	Digester: .....	7
B.	Genset: .....	8
C.	H2S Scrubber .....	11
4.	Project Site Plans.....	12

## Figures Table

Figure 1 -- Dairy Cow Numbers Part 1 .....	4
Figure 2 -- Dairy Cow Numbers Part 2 .....	5
Figure 3 -- Waste Water Storage Numbers.....	5
Figure 4 -- Biogas Contents Table .....	6
Figure 5 -- Biogas Flow Chart .....	6
Figure 6 -- Digester Site Plan .....	7
Figure 7 -- Anchor Trench Desi.....	8
Figure 8 -- Caterpillar 3520C .....	8
Figure 9 -- G3520C Technical Data.....	10
Figure 10 -- Marathon Generator Data.....	11
Figure 11 -- MV Tech H2S Scrubber .....	11
Figure 12 -- Project Vicinity Map.....	12
Figure 13 -- Project Site Plan.....	13
Figure 14 -- Genset Building.....	13

# 1. Introduction

## A. Project Location and contact

### a. Dairy Address

- 12103 West Elkhorn Avenue, Riverdale, California 93656

### b. Farmer Contact

- Farmer: Eric te Velde
- Phone number: (559) 707-1665
- Email: tevelde84@gmail.com

### c. Project Developer

- Development Company: Maas Energy Works
- Interconnection Project Manager: Hudson Davis
- Address: 3711 Meadowview Dr, Suite #100, Redding, California, 96002
- Phone: 510-427-5831
- Email: Hudson@maasenergy.com

## B. Project Overview

The purpose of this project is to maximize the efficiency of the dairy's waste water treatment process to satisfy the desires of the assorted regulatory agencies within the state of California. Under SB-1383 (Lara, 2016) the California Legislature has mandated that the California dairy industry reduce its methane emissions by 40%. Open Sky Ranch is choosing to make advancements towards complying with this goal before it becomes a requirement as later authorized by SB-1383.

The project will take place at Open Sky Ranch owned by Eric te Velde. The dairy is currently operating with a covered anaerobic lagoon which captures the naturally emitted greenhouse gases before they go into the atmosphere. There is a double liner in the bottom of this lagoon, and the lagoon is sealed with a gas-tight cover to prevent gas emissions, while also realizing wastewater treatment improvements and other benefits for the dairy. The bottom liner prevents seepage of manure into the soil, in line with Regional Water Quality Control Board goals for upgraded dairy lagoons. The covering of the lagoon has captured the methane gases and is using them to benefit the farmer.

The power generated by this operation is currently being used to offset the dairy's power usage under the Net Energy Metering – Aggregation tariff (NEM-A). There is still an abundance of fuel to be harnessed so an additional engine is being placed in the current building and the excess power will be sold to the utility grid under the BioMAT tariff for dairies, a program designed by the state to incentivize dairy farmers to begin reducing their emissions.

Excess gas collected from the covered lagoon digester will piped to an additional combined heat and power engine-generator, or "genset", and used as fuel to create electricity. The electricity will be sold by



wholesale export to PG&E through a dairy-specific tariff known as the Bioenergy Market Adjusting Tariff or “BioMAT.” As described herein, the BioMAT is a program designed by the state to incentivize dairy farmers to use manure emissions to create energy. The heat from the gensets will be transferred into the manure pond to increase digestion of the manure, thus improving manure fertilizer value while reducing manure odors and greenhouse gas emissions. Total fuel employment for this manure treatment exceeds total fuel for electricity generation.

The generation project will not increase the dairies geographic footprint in any way, though it is being permitted alongside a 700 milk cow increase.

## 1. Project Details

### A. Dairy Cow Numbers:

The Facility is currently an operating dairy production facility with the cow numbers shown below under, “Figure 1 – Dairy Cow Numbers”.

<i>Type of Animal</i>	<i>Present Number of Animals on 10/15/2012</i>	<i>Maximum Permitted Number of Animals</i>	<i>Breed</i>
Milking Cows	2,837	4,364	Holstein
Dry Cows	663	1,020	Holstein
Heifers: 15-24 mo.	1,495	2,300	Holstein
Heifers: 7-14 mo.	972	1,495	Holstein
Heifers: 4 - 6 mo.	411	632	Holstein
Calves: up to 3 mo.	390	600	Holstein
<b>Total Herd Size</b>	<b>6,767</b>	<b>10,411</b>	

Figure 1 -- Dairy Cow Numbers Part 1

Roughly 4,300 of the milking cows are housed in free-stalls which is optimal for a dairy flush system. In a free-stall dairy about 90% of the manure from the cows is captured, creating an optimal scenario for a digester to be installed. Increase in manure results in an increase in volatile solids entering the covered anaerobic digester, resulting in more gas. With a free-stall dairy the farmer receives a higher return on investment and a greater reduction in the carbon footprint of the dairy.

B. Manure flow:

Waste water flow will remain the same on the dairy facility. Since existing lagoon is already permitted as a covered aerobic digester lagoon, there will be no change to the required storage capacity for the facility.

*Figure 2 -- Waste Water Storage Numbers*

C. Digester:

See Section B. 1

D. Operational times:

The dairy currently operates on a 24/7 schedule. The digester will mirror this, as it will constantly be taking influent and giving effluent in conjunction with the manure flow of the day. The additional engines themselves will run on a peaking schedule to mirror PG&E TOU price schedule under the BioMAT tariff.

E. Number of customers and visitors:

Customers nor visitors are expected to increase to the dairy.

F. Water Resources

No new water will be introduced into the facility because of the addition of a covered anaerobic digester.

G. Parking:

Parking will remain the same on the dairy.

H. Biogas:

Biogas will be captured by the existing HDPE cover. Roughly 300 SCFM on average, year-round, is captured by the cover. This gas is then scrubbed of its sulfur, as well as water removed through a moisture trap system. These processes produce biogas which is safe for the genset.

The water that drops out of the biogas amounts to roughly 8 gallons of water a day. This water is pumped back into the digester through a sump pumping system.

The chemical composition of the biogas is as follows;

Biogas Contents	
Gas	%
Methane - CH <sub>4</sub>	60 - 69%
Oxygen - O <sub>2</sub>	0 - 2%
Nitrogen - N <sub>2</sub>	0 - 8%
Hydrogen Sulfide - H <sub>2</sub> S	0 - 4000 ppm
Carbon Dioxide - CO <sub>2</sub>	Balance

Figure 3 -- Biogas Contents Table

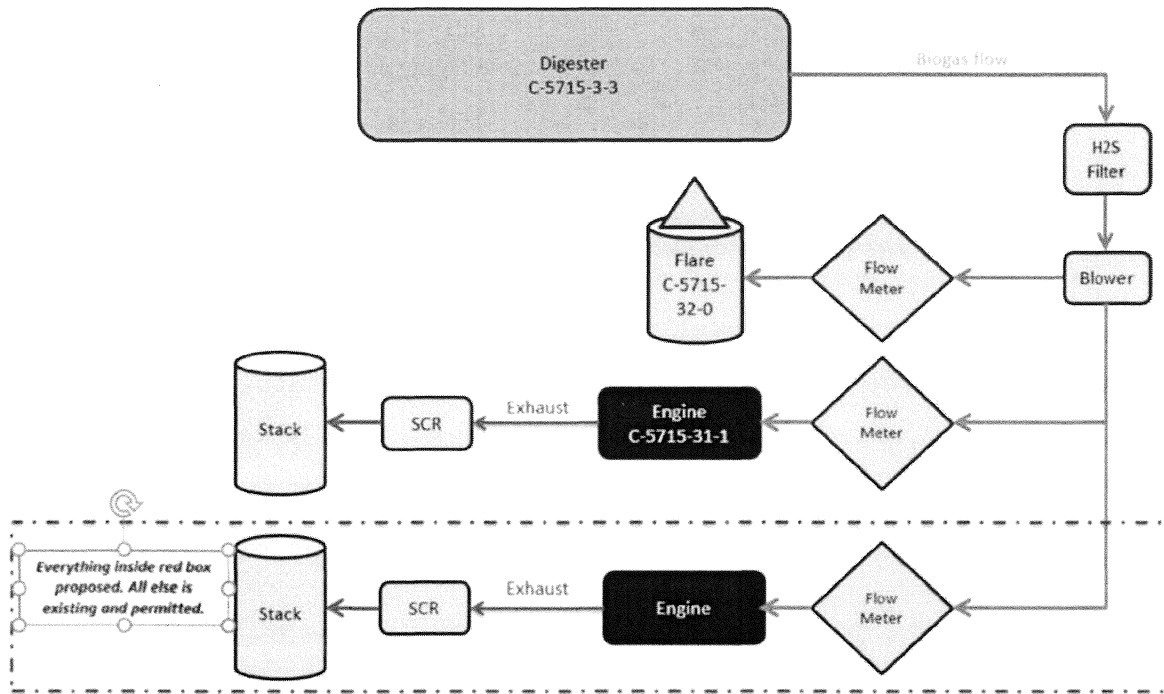
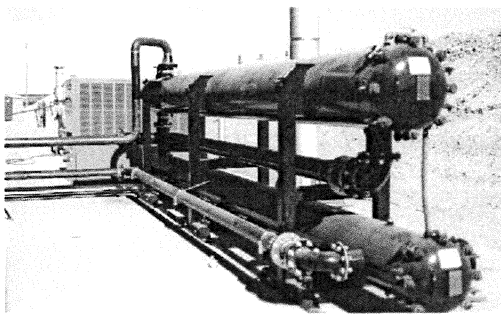


Figure 4 -- Biogas Flow Chart

### I. Biogas Employment

The project's 800 kW genset converts the biogas into two useful energy streams: electricity and heat.



The majority of usable energy from the biogas is converted into hot water and transferred back into the digester by means of a water-to-water heat exchanger known as a "slurry heater". By increasing the temperature of the digester, this heat supply increases bacterial activity in the digester and thus improves digestion. Consequently, the digester and genset create a mutually reinforcing system with the fuel from the digester creating heat, which in turn improves the efficiency of the digester. The more efficient the digester, the greater the

improvements to the nutrient breakdown of the dairy manure for fertilizer, and the greater reduction in manure odors.

Slightly less than half of the usable energy from the biogas is converted into electricity. This electricity is delivered to PG&E through the BioMAT tariff under a special category for dairy manure-sourced generation. The BioMAT tariff, Senate Bill (SB) 1122, was adopted June 1, 2013 to incentivize renewable power generation on dairy's, lumber mills, waste water treatment centers, and other biomass generation facilities. PG&E is required to procure power from the following industries:

- Category 1: 30.5 MW: Biogas from wastewater treatment, municipal organic waste diversion, food processing, and co-digestion
- Category 2: 33.5 MW: Biogas from dairy and other agricultural bioenergy
- Category 3: 47 MW: Biogas or biomass using byproducts of sustainable forest management

As an operational dairy processing 100% dairy manure, Open Sky Ranch is eligible and will pursue a BioMAT contract under category 2.

More information on the Senate Bill 1122 can be found at the following,

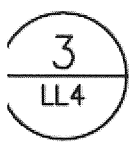
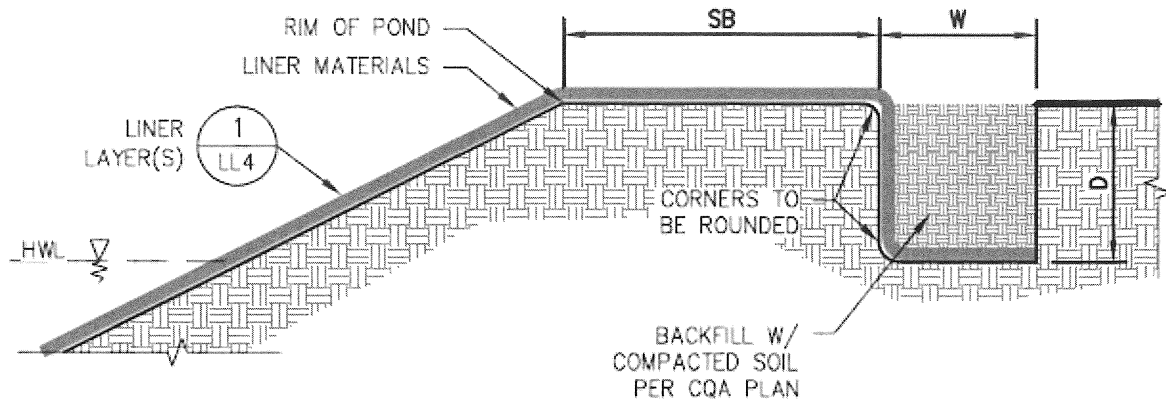
- [https://www.pge.com/includes/docs/pdfs/b2b/wholesaleelectricssolicitation/BioMAT/EL\\_EC\\_SCHEDS\\_E-BioMAT.pdf](https://www.pge.com/includes/docs/pdfs/b2b/wholesaleelectricssolicitation/BioMAT/EL_EC_SCHEDS_E-BioMAT.pdf)  
[https://www.pge.com/includes/docs/pdfs/b2b/wholesaleelectricssolicitation/BioMAT/BioMAT\\_JointIOUWebinar\\_FINAL.pdf](https://www.pge.com/includes/docs/pdfs/b2b/wholesaleelectricssolicitation/BioMAT/BioMAT_JointIOUWebinar_FINAL.pdf)

## 2. Project Equipment Details

### A. Digester:

The Digester is covered, double lined, and anchored. There is also air injectors placed on top of the digester to inject air under the cover – A balance of roughly 1% oxygen helps reduce H<sub>2</sub>S levels. Mixers are placed every 200 feet within each avenue of the digester to avoid sludge build up.

- Cover: Cover material is made with 80 Mil HDPE.
- Lining: The material used for the liner will be two layers of 60 Mil HDPE. This material is currently in use at 6 other dairies projects in the state that Maas Energy Works developed and manages.
- Anchor Trench: Cement trenching will be done around the perimeter of the digester to “anchor” digester below. See Figure below.
- Air injection blower: Max flow 50/cfm



NOT TO SCALE

## ANCHOR TRENCH

Figure 5 -- Anchor Trench Desi

B. Genset:

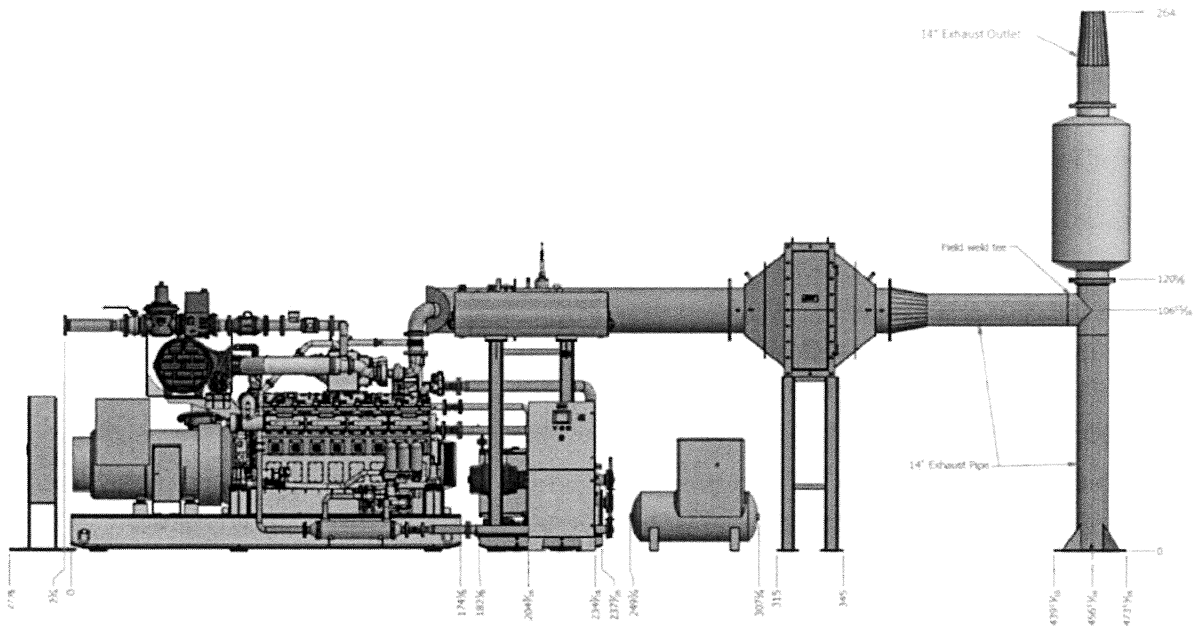


Figure 6 – Guascor Dresser-Rand SFGLD 480

The engine in use will be a Guascor/Dresser Rand SFGLD 480 paired with a 800 kW, 480 VAC, THREE PHASE, 60HZ gas engine continuous rated generator. The genset will be monitored 24/7 with smart protective relays, computers, and on call personnel. Both PG&E and customer will be interconnecting per Rule 21 interconnection guidelines.

The settings of the genset are TBD as PG&E engineering has not released the required studies due prior to the Pre-Parallel Inspection. All settings upon arrival will be verified by a 3<sup>rd</sup> party certified tester to assure the safety of the system. Protective devices such as reclosers and SCADA, GOAB's, and meters will be inspected to code and tested, as required, by third party certified testers.

Genset will be housed within an existing 44'/70' genset building plan at "Figure 14 -- Genset Building"

**SEE NEXT PAGE FOR ENGINE SPECIFICATIONS FROM MANUFACTURER.**

<b>DRESSER-RAND.</b>	GROUP	<b>GAS</b>	PRODUCT INFORMATION	INDEX
	IC		<b>IC-G-B-48-074</b>	<b>81</b>
<b>POWER RATING</b>			DATE	
			26/08/14	
			DEP.	2

<b>GENSET:</b>	<b>SFGLD 480</b>	<b>SPEED:</b>	<b>1800</b>
<b>JACKET WATER TEMPERATURE(*F):</b>	<b>194</b>	<b>FUEL TYPE:</b>	<b>SEWAGE GAS</b>
<b>INTERCOOLER WATER TEMP(*F):</b>	<b>131</b>		

APPLICATION:	<b>CONTINUOUS</b>	COMPRESSION RATIO:	<b>11,6:1</b>
COOLING SYSTEM:	<b>TWO CIRCUITS</b>	REGULATION:	<b>Electronic</b>
EXHAUST MANIFOLD TYPE:	<b>TWO STAGE IC</b>	IGNITION TIMING:	<b>12°</b>
EMISSIONS:	<b>WATER COOLED</b>	MAX. BACK PRESSURE:	<b>18 "H2O (450 mmH2O)</b>
	NOX g/bHP	1	
	CO g/bHP	<1,8	
	NMHC g/bHP	<0,7	
AMBIENT CONDITIONS ISO 3046/1:		Ambient pressure ("Hg (kPa))= <b>30 (100)</b>	
		Ambient temperature (*F (*C))= <b>77 (25)</b>	
		Relative humidity (%)= <b>30</b>	

POWER RATING (4)		NOMINAL	PARTIAL LOADS			
LOAD	%	100%	80%	60%	40%	
MECHANICAL POWER (3, 4, 5)	BHP (KWb)	<b>1215 (906)</b>	972 (725)	730 (544)	485 (362)	
BMEP	psi (bar)	<b>183 (12.6)</b>	147 (10.1)	110 (7.6)	73 (5.0)	
ELECTRICAL POWER (cosφ 1)	kWe	<b>873</b>	697	520	342	
ELECTRICAL POWER (cosφ 0,8)	kWe	<b>863</b>	691	516	340	
FUEL CONSUMPTION (1)	BTU/bHP-hr (KW)	<b>6819 (2428)</b>	6983 (1989)	7278 (1557)	7880 (1120)	
MECHANICAL EFFICIENCY	%	<b>37.3</b>	36.5	34.9	32.3	
ELECTRICAL EFFICIENCY (cosφ 1)	%	<b>36.0</b>	35.0	33.4	30.5	
HEAT IN MAIN WATER CIRCUIT (1)	BTU/min (KW)	<b>40550 (713)</b>	32870 (578)	25880 (455)	19340 (340)	
HEAT IN SECONDARY WATER CIRCUIT (1)	BTU/min (KW)	<b>8644 (152)</b>	7848 (138)	7165 (126)	5744 (101)	
HEAT IN CHARGE COOLER (1)	BTU/min (KW)	<b>3128 (55)</b>	2787 (49)	2445 (43)	1308 (23)	
HEAT IN OIL COOLER (1)	BTU/min (KW)	<b>5516 (97)</b>	5061 (89)	4720 (83)	4436 (78)	
HEAT IN EXHAUST GASES (25 °C) (1)	BTU/min (KW)	<b>35490 (624)</b>	29570 (520)	23090 (406)	16830 (296)	
HEAT IN EXHAUST GASES (120°C) (1)	BTU/min (KW)	<b>27300 (480)</b>	22910 (403)	17990 (316)	13170 (232)	
EXHAUST GAS TEMPERATURE (1)	*F (*C)	<b>817 (436)</b>	837 (447)	851 (455)	865 (463)	
HEAT TO RADIATION (1)	BTU/min (KW)	<b>1877 (33)</b>	1592 (28)	1479 (26)	1194 (21)	

CARBURETION SETTINGS (2)					
O2 TO EXHAUST(DRY)(ONLY A REFERENCE)	%	7.4	7.0	6.8	6.4

MASS FLOWS					
INTAKE AIR FLOW (1)	lb/h (Kg/h)	<b>9490 (4300)</b>	7690 (3490)	5880 (2670)	4200 (1900)
EXHAUST GAS FLOW (WET) (1)	lb/h (Kg/h)	<b>10470 (4750)</b>	8490 (3850)	6510 (2950)	4650 (2110)

<b>NOTES:</b>					
1. 100% LOAD TOLERANCES: FUEL CONSUMPTION +5%, COOLING CIRCUIT AND EXHAUST GASES ± 8%, RADIATION ±25% EXHAUST TEMPERATURE ±36°F (20°C), MASS FLOWS ± 10%.					
2. THE ENGINE PERFORMANCE DATA, TIMING ADVANCE AND CARBURETION SETTINGS ARE VALID FOR A GAS THAT FULFILLS THE REQUIREMENTS DEFINED IN IC-G-D-30-001 AND IC-G-D-30-003e. HEAT BALANCE FOR A REFERENCE GAS: CH4 62.5%, CO2 36%, N2 1,5%					
3. NET POWER, MECHANICAL PUMPS NOT INCLUDED.					
4. POWERS ARE VALID FOR AMBIENT TEMP.=77 °F (25 °C) AND AN ALTITUDE OF =1640 ft (500 m). SEE OTHER CONDITIONS IN PI IC-G-B-00-001					
5. OVERLOAD NOT ALLOWED					
6. THE SPECIFICATIONS AND MATERIALS ARE SUBJECT TO CHANGE WITHOUT NOTIFICATION					
7. A ENGINE WITH INLET OR OUTPUT RESTRICTION OVER PUBLISHED LIMITS, OR WITH INADEQUATE MAINTENANCE OR INSTALLATION CAN MODIFY POWER RATING DATA.					
8. EMISSIONS					
9. ALTERNATOR VOLTAGE 440 V					

CODE3	2/19/2015	Cod.: C-A	Elab:	dl35	Versión: 28/26/08/2014	1/1
-------	-----------	-----------	-------	------	------------------------	-----

Figure 7 -- G3520C Technical Data

### C. H<sub>2</sub>S Scrubber

The H<sub>2</sub>S within the gas is highly toxic and corrosive. To clean the gas that is captured by the cover a H<sub>2</sub>S scrubber is to be set up as shown in the site plan. A typical scrubber is filled with desulfurization media, made of iron impregnated wood shavings. The system is shown below, as well as the media removal and refill process which is done roughly every year and a half to ensure the media sufficiently scrubs the biogas.

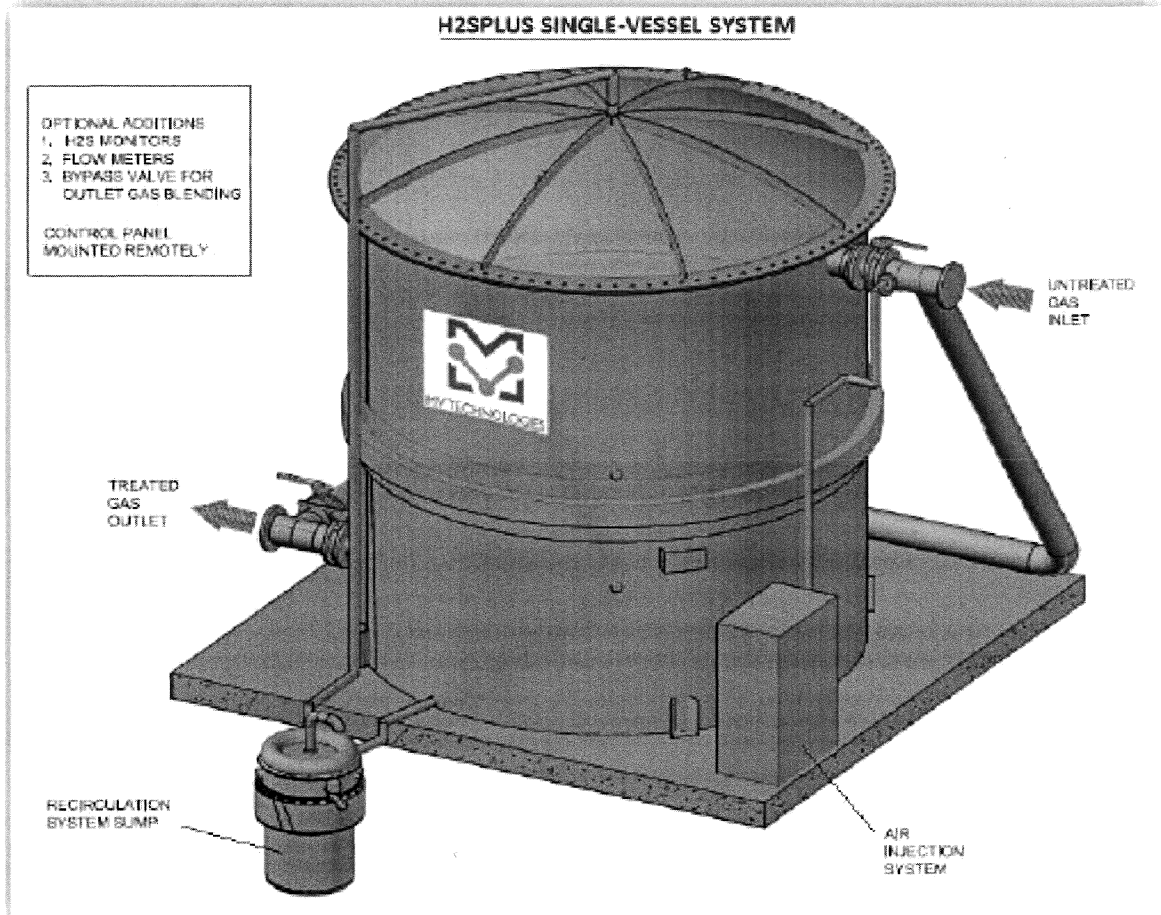


Figure 8 -- MV Tech H<sub>2</sub>S Scrubber



### 3. Project Site Plans

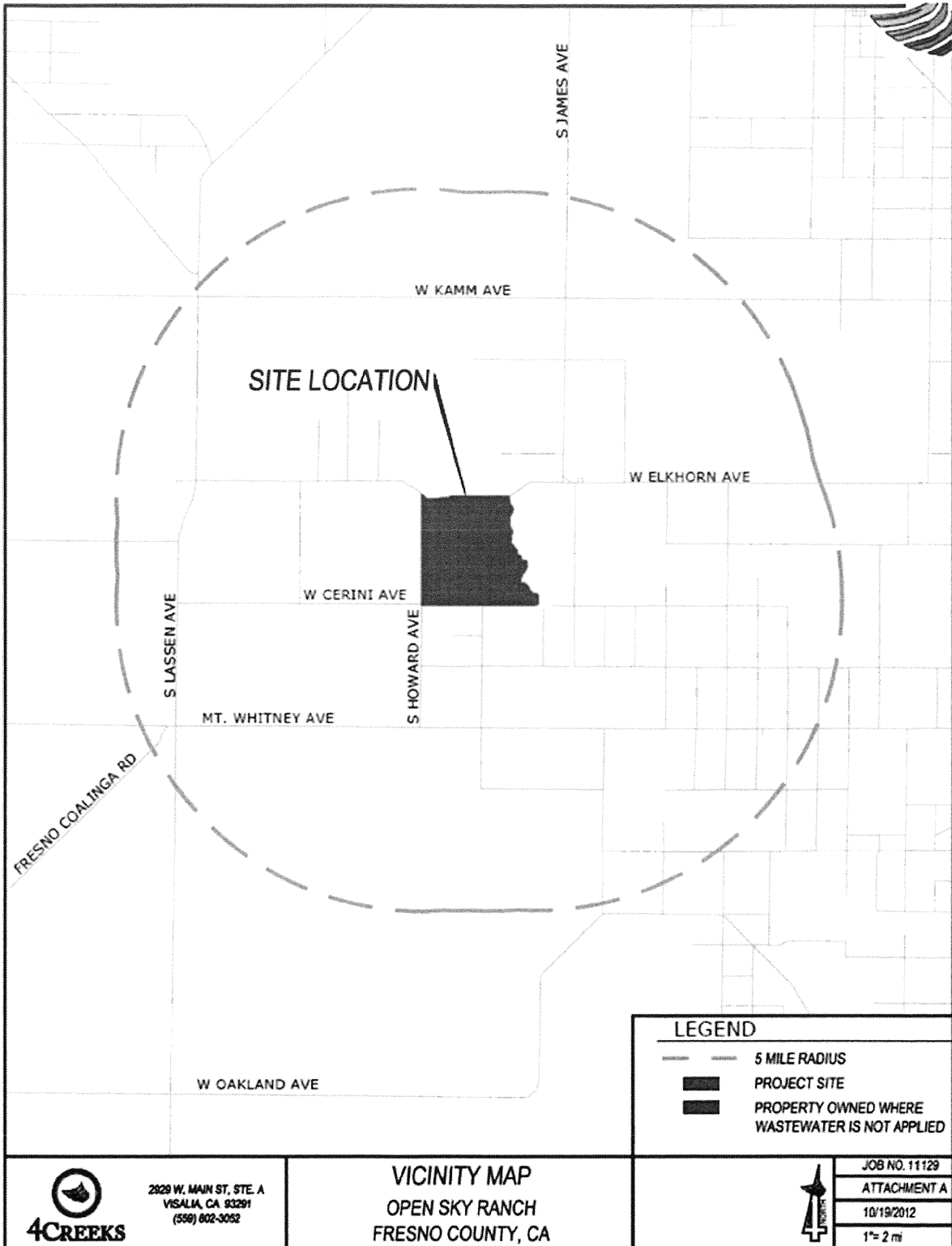


Figure 9 -- Project Vicinity Map

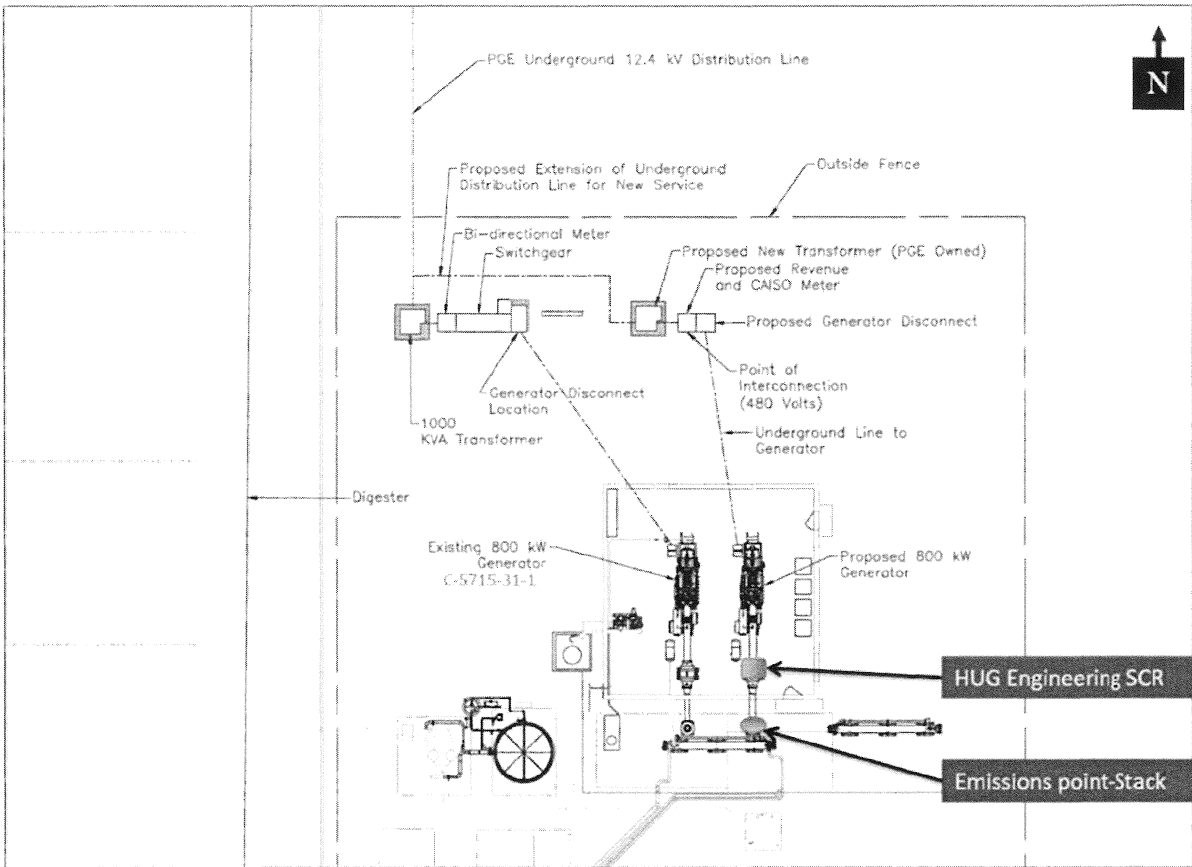


Figure 10 -- Genset Building



**Innovative Ag Services, LLC**  
 1201 Delta View Road, Suite 5 Hanford, CA 93230  
 Office (559) 587-2800 Fax (559) 587-2801

## Operational Statement Questions

Facility Name: Open Sky, 12103 W. Elkhorn Avenue, Burrell CA 93607

County: Fresno County

1. Describe in detail the nature of the operation and on what is being proposed to do.  
**Add an additional 700 milking cows to the existing herd size. Increasing the current milking permit from 5384 mature cows to a new total of 6084 mature cows. Along with the adding of a Gusacon/Dresser Rand 480 paired with 800kw, 480 VAC, Three Phase, 60HZ gas engine. The engine will be used to reduce the manure emissions and create energy. With the energy being sold to PG&E through the "BioMAT" program.**

2. How many cattle are on site? 5384 mature  
 Will the proposal increase the number of cattle? Yes If so by how many? 700  
**Will increase the mature total of 5384 to the new proposed total of 6084**

3. Operational time limits: No changes will be made to operational times.  
**The dairy operates on a 24/7 schedule. Approximately 16 hours a day are milking hours.**

4. Number of customers or visitors: per day: 0 visit hours: \_\_\_\_\_  
**No changes will be made.**

5. Number of employees 29. Will proposal increase the number? No  
 Hours/shifts employees work:

**The dairy operates on two shifts daily. The day shift operates with a total of 20 employees and the night shift operates with a total of 9 employees. With both shifts combined for a total of no more than 29 employees on any given day.**



**Innovative Ag Services, LLC**  
1201 Delta View Road, Suite 5 Hanford, CA 93230  
Office (559) 587-2800 Fax (559) 587-2801

6. Service and delivery vehicles? Yes number per day: Less than 10  
**Will stay the same with >10 round trips per day.**
7. Road access to the site: (*public or private*) Private - No changes will be made  
**Employee vehicle trips >50 total one way and >25 round trips per day.**
8. Number of parking spaces on site: N/A
9. Are any goods to be sold on-site? No  
If so, are goods grown or produced on-site or at some other location? \_\_\_\_\_
10. What equipment is used on the entire site?  
**Tractors, Loaders, Milking Machines, Feed Mixer's/Trailers**
11. What supplies or materials are used and how are they stored?  
**Silage - Both corn and wheat are stored under a cover.**  
**Hay - Grains are stored in a feed bunker, that has a roof.**
12. Does the use cause an unsightly appearance? No
13. List any solid or liquid wastes to be produced on site. Describe how its stored, stored location, estimated volume, how is it hauled, where is it disposed and how often.  
**Stored in certified holding lagoons and applied to land for use as a crop nutrient.**
14. Estimated volume of water to be used (gallons per day) 212,000 gallons.  
Source of water? Well  
**Based on the current number of 5384 milk cows, the estimated water use is 188,440 gallons per day. With the proposal the water volume will increase by 23,560 gallons of groundwater per day, bringing the estimated use up to 212,000 gallons per day.**



**Innovative Ag Services, LLC**  
1201 Delta View Road, Suite 5 Hanford, CA 93230  
Office (559) 587-2800 Fax (559) 587-2801

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

**N/A**

16. Will all existing buildings continue to be used or will new buildings be constructed?

**All existing buildings will remain in use.**

17. Explain which buildings or what portion of buildings will be used in the operation.

**The existing engine building will be used with this operation.**

18. Will any outdoor lighting or an outdoor sound amplification system be used?

**N/A The facility has various LED lights and will remain the same.**

19. Landscaping or fencing proposed?

**N/A**

20. Add any additional information that will provide a clear understanding of the project or operation.

**Currently the power generated is being used to offset the dairy's power usage under the Net Energy Metering-Aggregation tariff (NEM-A). There is still an abundance of fuel to be harnessed so an additional engine is being placed in the current building and the excess power will be sold to the utility grid under the BioMAT tariff for dairies program. Excess gas collected from the covered lagoon digester is piped to an additional combined heat and power engine-generator (genset) and used as fuel to create electricity. The heat from gensets will be transferred into manure pond to increase digestion of the manure, thus improving manure fertilizer value while reducing manure odors and greenhouse gas emissions.**

21. Identify all Owners.

**Eric & Katelyn te Velde**



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Warren Hutchings
- APPLICATION NOS.: Initial Study Application No. 7353 and Classified Conditional Use Permit Application No. 3590
- DESCRIPTION: Allow an increase in the number of mature-milk cows from 5,384 to 6,084 (net increase of 700 head) for an existing dairy and allow the use of methane from an existing lagoon digester to fuel a new gas engine to produce renewable electrical power for the dairy operation and to be sold to the power grid on an approximately 215-acre portion of a 518.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District
- LOCATION: The subject property is located on the southeast corner of Howard and Elkhorn Avenues approximately 1.4 miles west of the unincorporated community of Burrel (12103 W. Elkhorn Avenue, Burrel, CA) (Sup. Dist. 1) (APN 050-170-41S).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The subject property is located in an agricultural area and developed with improvements related to an existing dairy. Surrounding land uses include farmland planted in orchard and field crops with sparse single-family residences. The 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 the subject proposal.

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

FINDING: NO IMPACT:

The project will add 700 milk cows to an existing dairy and install a gas engine to produce renewable electrical power for the dairy operation and to be sold to the power grid. The engine and related apparatus will be confined within an existing structure with all connections to the lagoon and PG&E transmission line underground. The project will not bring any changes to the existing visual character or quality of the site and its surroundings.

- 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 related to the subject proposal 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; 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 site is not an active farmland, forestland, or timberland. The project is not in conflict with Agriculture zoning on the property and is allowed as a 'Special Agricultural Use' on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. Classified as Confined Animal Agriculture on the 2014 Fresno County Important Farmland Map and currently enrolled in a Williamson Act Land Conservation Contract, the project site has been developed with

buildings/structures and other improvements related to an existing dairy. According to the Policy Planning Unit of the Fresno County Department of Public Works and Planning, the project is compatible with the County's Williamson Act Program Interim Guidelines.

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, the project will be subject to following rules: District Regulation VIII (Fugitive PM10 Prohibitions), 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 project may also be subject to the following rules specific to confined animal operations: Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials; Rule 4550 (Conservation Management Practices) limits fugitive dust emissions from agricultural operation sites; and Rule 4570 (Confined Animal Facilities) applies to dairies with greater than or equal to 500 milk cows and requires filing of an application with the Air District. Additionally, prior to start of the project operation, the Applicant shall contact the District's Small Business Assistance Office to determine if the project will require an Authority to Construct (ATC) application. 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 be subject to Rule 4102 (Nuisance) as discussed above.



#### 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 and has been disturbed by improvements related to an existing dairy. 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, 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:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project site is within an area moderately sensitive to historical, archeological or paleontological resources. As such, a mitigation measure would require that in case archeological resources are uncovered, all work must be stopped until a qualified archeologist evaluates the findings, and if human remains are discovered, the Fresno County Sheriff-Coroner shall be notified. Further, if the remains are of Native Americans, the Sheriff-Coroner shall also notify to the Native American Commission (NAHC) within 24 hours of discovery in accordance with California Health and Safety Code 7050.5 and Public Resource Code 5097.98.

\* **Mitigation Measure**

- 1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074. The project was routed to the Picayune Rancheria of the Chukchansi Indians, Santa Rosa Rancheria Tachi Yokut Tribe, and Dumna Wo Wah Tribal Government in compliance with Assembly Bill (AB) 52.

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: NO IMPACT:

The project will not result in erosion or loss of top soils. No concerns were expressed by the Development Engineering Section of the Development Services and Capital Projects Division.

- 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: NO IMPACT:

The project is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known 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:

No wastewater disposal impacts were identified in the analysis. The project will not install an individual sewage disposal system on the property.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Comments received from the Air District expressed no specific project-related concerns, supporting the determination that the project will not generate greenhouse gas emissions that may have a significant impact on the environment. The project 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 and will release no hazardous materials into the environment.

The project is not located within one quarter-mile of a school. The nearest school, Burrel Elementary School, is approximately 1.27 miles east 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, Swanson Ranch Number 2 Airport, is approximately 7.1 miles east of the site.

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

FINDING: NO IMPACT:

The project site is located in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

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

## IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E. Geology and Soils regarding wastewater disposal.

The Central Valley Regional Water Quality Control Board (RWQCB) reviewed the project for impact on groundwater quality. According to the RWQCB, an additional 700 milk cows over the maximum 5,384 currently allowed by the current Waste Discharge Order (R5-2007-0035) constitute an expansion of the existing dairy facility. As such, a Report of Waste Discharge (RWD) would be required prior to starting discharge associated with the expansion. This requirement will be included as a Mitigation Measure.

\* **Mitigation Measure**

1. *Pursuant to provision G.4 of the reissued General Order (R5-2013-0122), prior to starting discharge associated with the dairy expansion, the project proponent shall submit a Report of Waste Discharge (RWD) with the Central Valley Regional Water Quality Control Board.*

The State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) also reviewed the subject proposal for water quality standards and stated that the existing dairy facility will be regulated as a nontransient noncommunity public water system and a domestic water supply permit would be required from the SWRCB-DDW. This mandatory requirement will be included as a Project Note.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The current water use at the dairy facility is estimated to be 188,440 gallons per day based on 5,384 existing milk cows. The estimated increase in water volume due to addition of 700 milk cows is estimated to be 212,000 gallons per day (a net increase of 23,560 gallons of water use per day). An existing on-site private well provides water for the dairy operation.

The project site is not within a designated low-water area of Fresno County. The Fresno County Water and Natural Resources Division of the Development Services and Capital Projects Division reviewed the proposal and expressed no concerns related to water

sustainability for the use. The project will have a less than significant impact on 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?

FINDING: NO IMPACT:

The project will not impact any existing on-site drainage patterns or change the course Elkhorn Grade which runs along the westerly boundary of the property.

- 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: NO IMPACT:

The project will not generate additional runoff than is currently generated by the existing improvements on the property. No impacts would occur.

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

FINDING: NO IMPACT:

See discussion in IX. A. B. 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; or

FINDING: NO IMPACT:

The project is not in a flood hazard area.

- I. Would the project expose persons or structures to levee or dam failure; or

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject site is not prone to a seiche, tsunami or mudflow, nor is the project likely to expose persons or structures to potential levee or dam failure.

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The unincorporated community of Burrel is approximately 1.4 miles east of the project site.

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 subject proposal will not be in conflict with any land use plan, policy, or regulation of an agency with jurisdiction (other than County) over the project.

The County General Plan allows the proposed facility in an agriculturally-zoned area as a 'Special Agricultural Use' by discretionary land use approval provided it meets applicable General Plan policies. The project meets the following General Plan policies:

Regarding Policy LU-A.3, Criteria a. b. c. d., the proposed project is an expansion of an existing dairy previously authorized as a by-right use; is not located on a prime farmland; will not utilize excessive water to impact the groundwater table; and, can be provided with adequate workforce from the nearest community of Burrel and others. 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 maintains adequate distance from the adjacent farming operations. Regarding Policy PF-C.17 and Policy PF-D.6, the limited water used by the project will not affect groundwater resources and the project will not install on-site sewage disposal systems for a potential impact on 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 mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area as identified in Policy OS-C.2 of the General Plan.

## XII. NOISE

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

FINDING: NO IMPACT:

The project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division 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., Hazards and Hazardous Materials.

## XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or

- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

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

#### XIV. PUBLIC SERVICES

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

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District (CalFire) reviewed the proposal and identified no concerns with the project. However, any future development on the property will be subject to the requirements of the current Fire Code and Building Code and annexation to the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes.

- 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 any 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 impacts on recreational facilities were identified in the project 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 Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns related to traffic or required a Traffic Impact Study 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. No new building or structures of such height to potentially affect air traffic are proposed.

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

The project will not increase traffic hazards due to design features. There is no change to the current access to the site or on-site improvements.

No concerns were expressed by the Road Maintenance and Operations Division and Development Engineering Section of the Fresno County Department of Public Works and Planning.

- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The project would not result in on-site or off-site activities that would impair emergency vehicle movement or personnel. The three current gravel access areas to the site off Elkhorn Avenue are of adequate width to accommodate emergency services response to the site.

- 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: LESS THAN SIGNIFICANT 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: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

See discussion in Section 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:

No mineral resource impacts were identified in the analysis.

## 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:

No impacts on biological resources were identified in the project analysis, and 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 will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley 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 Measure discussed in Section I.D., Section V. A. B. C. D., and Section IX. A.

- 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, either directly or indirectly, were identified in the analysis.

## CONCLUSION/SUMMARY

Based upon the Initial Study (No. 7353) prepared for Conditional Use Permit Application No. 3590, 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 agricultural and forestry resources, biological resources, hazards and hazardous materials, mineral resources, noise, population and housing, recreation or transportation/traffic.

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

Potential impacts to aesthetics, cultural resources and hydrology and water quality 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 southwest corner of Tulare and "M" Streets, Fresno, California.

EA:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3590\IS-CEQA\CUP3590 IS wu.docx

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.			
Agency File No: IS 7353		<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County		Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Zip Code: Fresno 93721	
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner			Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Warren Hutchings			Project Title: Classified Conditional Use Permit Application No. 3590		
Project Description: Allow an increase in the number of mature-milk cows from 5,384 to 6,084 (net increase of 700 head) for an existing dairy and allow the use of methane from an existing lagoon digester to fuel a new gas engine to produce renewable electrical power for the dairy operation and to be sold to the power grid on an approximately 215-acre portion of a 518.45-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the southeast corner of Howard and Elkhorn Avenues approximately 1.4 miles west of the unincorporated community of Burrel (12103 W. Elkhorn Avenue, Burrel, CA) (Sup. Dist. 1) (APN 050-170-41S).					
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7353) prepared for Classified Conditional Use Permit Application No. 3590, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to agricultural and forestry resources, biological resources, hazards and hazardous materials, mineral resources, noise, population and housing, recreation or transportation/traffic.  Potential impacts related to air quality, geology and soils, greenhouse gas emissions, land use and planning, public services, and utilities and service systems have been determined to be less than significant.  Potential impact related to aesthetics, cultural resources and hydrology and water quality 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 – December 20 , 2017			Review Date Deadline: January 19, 2018		
Date: December 18, 2017	Type or Print Name: Marianne Mollring, Senior Planner		Submitted by (Signature):		

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**