



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 January 24, 2019

SUBJECT: Initial Study Application No. 7338 and Classified Conditional Use Permit Application No. 3584

Allow the addition of three corrals, a new 100-stall milk barn, 900 additional heifers with no addition to the milking numbers, a new covered lagoon manure digester and a biogas engine generator set with supporting equipment on two parcels totaling 639 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southeast side of S. McMullin Grade, between S. Madera Avenue and S. Goldenrod Avenue, approximately 6.6 miles east of the City of San Joaquin (10014 S. McMullin Grade) (Sup. Dist. 4) (APN 035-100-22S and 035-100-23S).

OWNER: Bernard and Rebecca te Velde
APPLICANT: Innovative Ag Services, LLC

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

Marianne Mollring, Senior Planner
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RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7338; and
- Approve Classified Conditional Use Permit No. 3584 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 and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7338
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 acres and 480 acres	No change
Project Site	Approximately 130 acres	Approximately 145 acres
Structural Improvements	Open lot corrals, hay barns, scale house, commodity barn, feed storage lab, freestall barns, freestall exercise pens, one milk barn, wastewater retention ponds, and mechanical separator	Addition of three new open lot corrals, a new milking barn, new digester and shop, and new generator
Nearest Residence	Two residences exist on the subject parcel, approximately 350 feet north of the proposed corral	No change
Surrounding Development	Vineyards and Orchards	No change
Operational Features	The existing dairy operates seven days a week, 20 hours a day, 365 days of the year producing milk which is then hauled off site for processing	Addition of digester which will generate electricity to be sold to PG&E

Criteria	Existing	Proposed
Employees	24	No change
Customers	None	No change
Traffic Trips	Up to 24 daily round trips for employees and up to 10 round trips for delivery trucks	1-2 additional trips per month for maintenance
Lighting	None	None
Hours of Operation	4:00 a.m. to 12:00 a.m.	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.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: December 12, 2018.

PUBLIC NOTICE:

Notices were sent to nine 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.

Prior to the adoption of the Dairy Ordinance on October 23, 2007, dairies and feedlots were allowed to operate without discretionary approval from the County of Fresno. Pursuant to Ordinance Section 869, a dairy operation which was fully permitted prior to that date can continue to operate without further permitting so long as the natural birth and attrition of cattle does not result in an increase of 15%, or repair and maintenance that does not increase the capacity of the facility by more than 50 head per year. Expansions of less than 500 head require the approval of a Director Review and Approval Application, and expansions of more than 500 head require approval of a Conditional Use Permit Application. This application proposes to allow an increase of 900 head of cattle and the installation of a new dairy digester to generate power which is intended for sale to PG&E. Both proposals require a Conditional Use Permit to authorize.

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:

On August 31, 1976, the Fresno County Board of Supervisors approved County-initiated Amendment Application No. 2870, which established the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) zoning on this parcel and other parcels throughout the County, consistent with the Agricultural designation by the General Plan. No zoning amendments for this parcel have been approved since that date; AE-20 is the current zoning.

A Conditional Use Permit (CUP No. 3218) was approved for this site on January 24, 2008. This permit was processed concurrently with permits for two other dairies which together proposed to establish a digester on each site with a pipeline that would interconnect all three to the power grid at a single location. One time extension was approved for the three applications; however further time extensions were not granted and these permits expired due to a failure to develop.

The project site includes APNs 035-100-22S and 035-100-23S, which form all of Section 31 of Township 15 South, Range 18 East. The existing dairy currently operates on APN 035-100-23S, which is 158 acres in size and forms the northwestern corner of the section. Currently, all improvements for the dairy are within these property lines; however some of the proposed improvements will be placed on the adjacent parcel, contiguous with the existing dairy operation. Both parcels are restricted by Williamson Act Contract No. 2416; however, a Notice of Nonrenewal of the Williamson Act Contract was filed for approximately 7.65 acres in the area of the proposed digester. The operation of the dairy is otherwise considered to be a compatible use with the Contract.

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 Rear: 20 feet Side: 20 feet	Front (north): 500+ feet Rear (south): 300+ feet Side (east): 2,000+ feet Side (west): 90+ feet	Yes
Parking	One off-street parking space for each two permanent employees; one parking space for each company-owned truck; one parking space for each company salesperson	Unmarked parking on the west side of the barn.	SPR will review for conformity with County requirements
Lot Coverage	No Requirements	N/A	N/A
Space Between Buildings	6 feet	20 feet between corrals; 50 feet between digester and digester shop	Yes
Wall Requirements	N/A	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Septic Replacement Area	100%	100%	Yes
Water Well Separation	Septic Tank: 50 feet; Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for all on-site construction improvements.

County Surveyor of the Fresno County Department of Public Works and Planning: All survey monumentation – property corners, section corners, County benchmarks, Federal benchmarks and triangulation stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An engineered grading and drainage plan shall be submitted to Development Engineering for review. The engineer of record shall prepare and submit the “Grading and Drainage Checklist” with the grading plan. A grading permit is required.

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

Analysis:

The existing dairy has been developed with a number of open lot corrals, freestall barns, freestall exercise pens, storage areas, and water retention ponds. Access is by way of a private dirt road which connects to McMullin Grade, and parking is located west of the existing milk barn.

This CUP application proposes to add three new open lot corrals east of the interior property line, on land that was previously used for the production of row crops. In addition, the entirety of the proposed dairy digester is located on APN 035-100-22S. This represents a total reduction in the eastern setbacks, as measured from the edge of both properties, of approximately 350 feet. The new milk barn is proposed as an addition to the existing milk barn and will be located more distant from the property line than existing developments.

There is no proposed change to the location or size of the septic systems or wells on the parcel, and review of this project by the Fresno County Department of Public Health, Environmental Health Division failed to identify any concerns with those systems. All site development standards, including setbacks and building height, will be met without the need for a variance.

Staff finds that the proposed site is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

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	Yes	Dirt	No change
Public Road Frontage	No	N/A	N/A
Direct Access to Public Road	Yes	McMullin Grade	No change
Road ADT		2,000	Limited increase
Road Classification		Expressway	No change
Road Width		~48 feet	No change
Road Surface		Paved	No change
Traffic Trips		Up to 24 round trips for staff and up to 10 round trips for deliveries	1-2 additional traffic trips per month for maintenance
Traffic Impact Study (TIS) Prepared	No	Not required	No change
Road Improvements Required		None	No change

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Design Division of the Fresno County Department of Public Works and Planning: The project as proposed does not generate enough trips to warrant the need for a Traffic Impact Study. Per the General Plan, the segment of McMullin which provides site access is ultimately planned as an Expressway. Having a divided four-lane roadway does permit property access with restrictions for sites 20 acres or more. The project site has existing access to McMullin and no new access is proposed.

The following agencies provided “no comments” or “no concerns” with this project: California Department of Transportation, and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

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

Analysis:

The project site currently takes access from a private road off of McMullin Grade. This road also provides access for other parcels in this area, which are primarily dedicated to agricultural production without single-family residences. The driveway for this project is located approximately 1,300 feet east of McMullin Grade.

The number of daily employees and service trips will remain unchanged from what is existing, although a minor increase in monthly traffic will occur due to the need to provide regular service and maintenance for the proposed digester. McMullin Grade is anticipated to be a four-lane Expressway and with an existing average daily traffic (ADT) of 2,000 vehicles per day, and will be able to accommodate the increase in traffic without the need to make road improvements.

Based on the above information, McMullin Grade is adequate in width and pavement to accommodate the proposed use.

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*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	232.46 acres	Orchard	AE-20	None
South	523.16 acres	Vineyard, two Single-Family Residences (SFRs)	AE-20	2,700+ feet
East	160 acres 160 acres	Vineyard Vineyard, two SFRs	AE-20	None 5,000+ feet
West	5.66 acres 381.73 acres	Field Crops Vineyard	AE-20	None None

*As measured from the edge of the proposed Dairy operation to the nearest point on the nearby residence

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District (Air District): Based on information provided by the project proponent on July 11, 2018, project-specific annual emissions of criteria are not expected to exceed any of the following District significance thresholds: 100 tons per year of

carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO_x), 15 tons per year of particulate matter of 10 microns or less in size (PM₁₀), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM_{2.5}). Therefore the Air District concludes that the project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.

The primary functions of this project are subject to Air District Rule 2201 (New and Modified Stationary Source Review Rules) and/or Air District Rule 2010 (New and Modified Stationary Source Review Rule) and is therefore exempt from District Rule 9510 (Indirect Source Review).

The proposed project may be subject to Air District Rules and Regulations, including: Regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The following Air District rules are specific to confined animal operations:

- Rule 4102 (Nuisance): This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and subject to Air District enforcement action.
- Rule 4550 (Conservation and Management Practices): The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas.
- Rule 4570 (Confined Animal Facilities): Air District Rule 4570 was adopted by the District's Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570 and therefore this Project is required to submit an application to the Air District.

California Department of Fish and Wildlife (CDFW): Tricolored blackbirds (TRBL) have the potential to nest or forage on and adjacent to the project site. To evaluate potential project-related impacts planned for the normal bird breeding season (February 1 through September 15), CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of project implementation. In the event that a TRBL nesting colony is detected during the surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit, pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for TRBL and that these measures be included as enforceable mitigation in the finalized CEQA document prepared for this project.

Central Valley Regional Water Quality Control Board: the subject dairy is enrolled under the Waste Discharge Requirements for Bernard te Velde, the te Velde Family Trust, Micrology, Inc., Donald J. Cameron, and Terranova Ranch, Inc., Lone Oak Dairy #2, Order R5-2008-0001 (Digester Order) and accompanying Monitoring and Reporting Program. Upon completion of construction of the proposed anaerobic digester, several of the Provisions in Section E of the Digester Order requiring submission of technical reports will be past due and will need to be submitted as soon as practicable.

In addition, to satisfy Best Practicable Treatment or Control requirements of the Digester Order, the proposed new pond should meet the Tier 1 liner design specifications cited in Pond Specification C.5 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122.

Development Engineering Section of the Fresno County Department of Public Works and Planning: None of the subject properties are subject to flooding from the 100-year storm. Any additional runoff generated by the proposed development of this site should be retained on site. An encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning will be required for any work done in the County right-of-way. A Site Plan Review should be required to ensure compliance with grading and drainage requirements and other development standards such as adequacy of parking, circulation, ingress, egress, and storm water storage, etc.

Fresno County Fire Protection District (FCFPD): This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving FCFPD conditions of approval for this project, the Applicant shall submit construction plans to the County of Fresno Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. FCFPD requirements may include, but are not limited to: water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinkler systems, fire alarm systems, premises identification and Title 15.60 County Ordinance.

Fresno County Department of Public Health, Environmental Health Division: Prior to issuance of building permits, the dairy owners will be required to submit complete construction plans and specifications for the new milk barn for review and approval. Plans shall be submitted to the California Department of Food and Agriculture, Milk and Dairy Foods Safety Branch and the County of Fresno Department of Public Health, Environmental Health Division.

Prior to the 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 Department of Public Health, Environmental Health Division acting as the Local Enforcement Agency.

South San Joaquin Valley Information Center: This land has never been surveyed for cultural resources and it is unknown if any exist there. Therefore, we recommend a qualified, professional archaeologist conduct a new field survey of all vacant lands related to this project to determine if any cultural resources exist. If no vacant lands will be impacted by this project, no further cultural resource investigation is recommended at this time. However, if cultural resources are unearthed during ground-disturbance activities, all work must halt in the area of the find and a qualified, professional archaeologist should be called out to assess the findings and make the appropriate mitigation recommendations.

State Water Resources Control Board: Information provided to the Division of Drinking Water indicated a maximum number of 24 employees. As such, the Water System does not meet the regulatory definition of a public water system, and the Division of Drinking Water is inactivating the Lone Oak Dairy #2 as a public water system, effective June 13, 2018. If future use of this site causes it to meet the definition of a public water system, the property owner must apply for and obtain a domestic water supply permit from this Division.

The following agencies provided a “no comments” or “no concerns” response to the request for comments on this project: Lemoore Naval Air Station; California State Park Central Valley District; Resources, Site Plan Review, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; Fresno County Sheriff’s Office; and U.S. Fish and Wildlife Service.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

This area is defined by parcels devoted exclusively to large-scale agricultural production, typically of fruit trees or vineyards. Residential development is scarce, with the nearest residence located more than 5,000 feet south of the nearest proposed improvement at the project site. The existing dairy has been operational since 2005. Typical adverse impacts associated with dairies, such as odor, have historically been minimized by the lack of sensitive receptors in the vicinity.

The project is subject to Air District Rules and Regulations, one of which requires that the developer submit an application to the Air District for additional review and approval prior to construction. The Air District’s rules and regulations contain requirements for the reduction of fugitive dust and other best management practices to reduce potential impacts to air quality.

Comments from California Department of Fish and Wildlife regarding potential impacts to Tricolored Blackbird (TRBL) were received during preparation of the Initial Study for this application. Mitigation Measures were made a part of the approval for this project, and require the developer to perform pre-construction surveys and follow CDFW’s recommendations regarding avoidance and minimization if TRBL are determined to be present prior to construction during the avian breeding season.

In compliance with Assembly Bill 52 (AB 52), County staff sent notice to four local Native American Tribal Governments to request information regarding potential or known cultural resources at the project site. Of the four tribes, only the Dumna Wo Wah Tribal Government requested consultation; however, they failed to identify any resources at the site. Despite this, the Tribal Representative indicated that the entire County may be sensitive to artifacts of cultural significance and recommended mitigation. Since the project site is not located in an area that was determined to be archeologically sensitive, no pre-construction survey was prepared. Instead, the developer is required to halt work if an artifact is excavated and call a qualified archeologist. The County Sheriff-Coroner must also be notified when the artifacts are human remains. The archaeologist will establish no-work buffers and other minimization and avoidance measures as necessary to protect the resource.

The comments provided by the Central Valley Regional Water Quality Control Board and the Fresno County Fire Protection District require the submission of reports and plans which require specific agency approval. These requirements are included as reference for the developer as Project Notes in Exhibit 1. Compliance to these regulations is mandatory. The project is also required to submit plans and applications for permits from the Department of Public Health, Environmental Health Division. Compliance with these mandatory regulations will ensure that the construction and typical operation of this facility will occur without adverse impacts on neighboring properties.

During construction, there will be a necessary increase in activity at the project site. However, once the improvements are installed, the dairy will operate with relatively few changes from the existing operation. The inclusion of the digester adds an additional series of steps to the processing of the manure; however, its life cycle is generally the same: from stall/ground to wastewater retention pond, to digester for processing (methane capture), then to another holding pond, and finally applied back to the field as effluent irrigation. If this project were not to be approved, the cycle would remain unchanged except that methane would not be captured by the digester. A new engine will be installed on site, which will run off the methane produced by the digester to produce energy to be sold to PG&E.

Due to the limited amount of changes, the limited number of sensitive receptors to the project site, and the required compliance to existing laws, there will be no adverse impacts on surrounding properties.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See 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:
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture special agricultural uses and agriculturally-related activities... listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <ul style="list-style-type: none"> a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources 	<p>Dairies and feedlots are one of the uses listed in Table LU-3. The project is consistent with the required criteria:</p> <ul style="list-style-type: none"> a. The dairy operation must be sited in an agricultural area due to noise and odor impacts which would be unacceptable in urban areas. Further, the digester must be sited proximate to the dairy to facilitate the transfer of manure. b. The Williamson Act Cancellation removed approximately 1.2% of the contracted land. As noted above, it is necessary for the digester to be sited near the dairy, and all surrounding properties are restricted by Contract. c. There is no increase to the amount of water usage proposed by this application and therefore will not adversely impact water usage on surrounding properties. The project is not in a water-short area.

Relevant Policies:	Consistency/Considerations:
<p>or the use or management of surrounding properties within at least one quarter-mile radius;</p> <p>d. A probable workforce should be located nearby or be readily available.</p>	<p>d. No increase in the number of daily employees is proposed. Maintenance will be provided several times a month typically through the company which provides the digester.</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>The operation of the digester is compatible with the adjacent agricultural operation in that effluent from the digester will be applied as irrigation to the crops. Further, Contract-restricted cropland surrounds the digester on three sides.</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>Assessment regarding the conversion of agricultural land to non-agricultural uses was performed during the preparation of the Initial Study, where impacts were determined to be less than significant due to the limited amount of land that was canceled compared to the land which will continue to be restricted by this Williamson Act Contract.</p>
<p>General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p>Review of this project by the Fresno County Fire Protection District is required as part of the Plan Check for this project. Plans were routed to the Fire District during the application process and no specific concerns were identified.</p>
<p>General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>Relevant plans and reviews are provided for the Developer as Project Notes to facilitate compliance with regulations relating to Hazardous Materials. Compliance with these regulations is mandatory.</p>
<p>General Plan Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.</p>	<p>This project does not propose to use or generate hazardous materials and therefore this Policy is not applicable.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning:
Assessor's Parcel Number (APN) 035-100-23S is restricted by Williamson Act Contract No.

2416. A Statement of Intended Use was submitted by the Applicant and reviewed by the Policy Planning Section for a determination of consistency of the proposal with the Williamson Act program. Electrical power generation facilities that sell the generated electricity to the grid are not considered uses that are permitted or considered a compatible use on land enrolled in the Agricultural Land Conservation Program. Therefore, the portion of the subject parcel that will contain the proposed commercial electrical power generation facility must be removed from the Williamson Act program either through the nonrenewal process or the cancellation process.

The following Agency indicated “no concerns” with this project: Fresno County Department of Agriculture. No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

A notice of nonrenewal for the area of the proposed digester was recorded on August 9, 2018, consistent with the recommendation made in the Policy Planning comments above.

The applicable policies generally relate to the appropriateness of placing a specific use in an area intended for agricultural production. Policy LU-A.3 requires that proposed uses are reviewed for their consistency with surrounding development and for appropriateness of approving such a use in an area designated for Agriculture. In the case of this application, the dairy digester is proposed to be located next to an existing dairy, which was originally a by-right operation in this location (see Background section). This policy and Policy LU-A.14 require a review of whether the specific location of the project would impact productive farmland. While installation of the digester and new corrals will remove land on this property from active production, it is not likely that additional agricultural land will be impacted: the proposed location of the digester is surrounded by field crops on three sides, with the existing dairy on the fourth. These crops provide a natural buffer and also receive treated effluent at the final stage of the manure processing cycle. They are a part of the complete operation at this parcel and therefore, the impact to agriculture as a result of this project was not determined to be significant or likely to result in the conversion of additional farmland. Further, the area of the Williamson Act Cancellation is centrally located within the project site and the aforementioned crop area is still restricted by the Contract, further reducing the opportunity to impact cancellation requests or conversion of farmland on nearby parcels. This location also shows consistency with Policy LU-A.13, which requires that buffers exist between such special uses and typical agricultural uses.

Policies HS-B.1 and HS-F.1 require that development projects are reviewed by the Fire Department and act in compliance with existing rules and regulations related to hazardous materials. County policy requires compliance with these regulations and information regarding the specifics of these policies has been provided as a reference for the developer in Exhibit 1.

Based on these factors, the proposed dairy expansion and new digester project is consistent with the General Plan.

Recommended Conditions of Approval:

See Project Notes attached as Exhibit 1.

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 approval of Classified Conditional Use Permit No. 3584, 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. 7338; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3584, 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. 3584; 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.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7338/Conditional Use Permit Application No. 3584
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	<p>To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. Where construction occurs outside the normal bird breeding season (February 1 through September 15), no further mitigation is necessary. b. To evaluate potential project-related impacts planned for the normal bird breeding season (February 1 through September 15), a qualified wildlife biologist shall conduct surveys for nesting TRBL no more than 10 days prior to the start of project implementation. c. If an active TRBL nesting colony is found during preconstruction surveys, a minimum 300-foot no-disturbance buffer shall be established in accordance with the California Department of Fish and Wildlife (CDFW) "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. The TRBL colonies can expand over time and for this reason, the colony shall be reassessed to determine the extent of the breeding colony before conducting construction activities. d. If the 300-foot no-disturbance nest buffer is not feasible, the developer shall consult with the California Department of Fish and Wildlife to determine if the project can avoid take. If take cannot be avoided, the developer shall acquire an Incidental Take Permit for tricolored blackbird to comply with the California Endangered Species Act. 	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P) in consultation with CDFW	February 1 through September 15

EXHIBIT 1

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 shall 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	During ground-disturbing activities
----	--------------------	--	-----------	----------------	-------------------------------------

Conditions of Approval

1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning 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.	Plans, permits, and inspections will be required for all on-site construction improvements.				

*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.

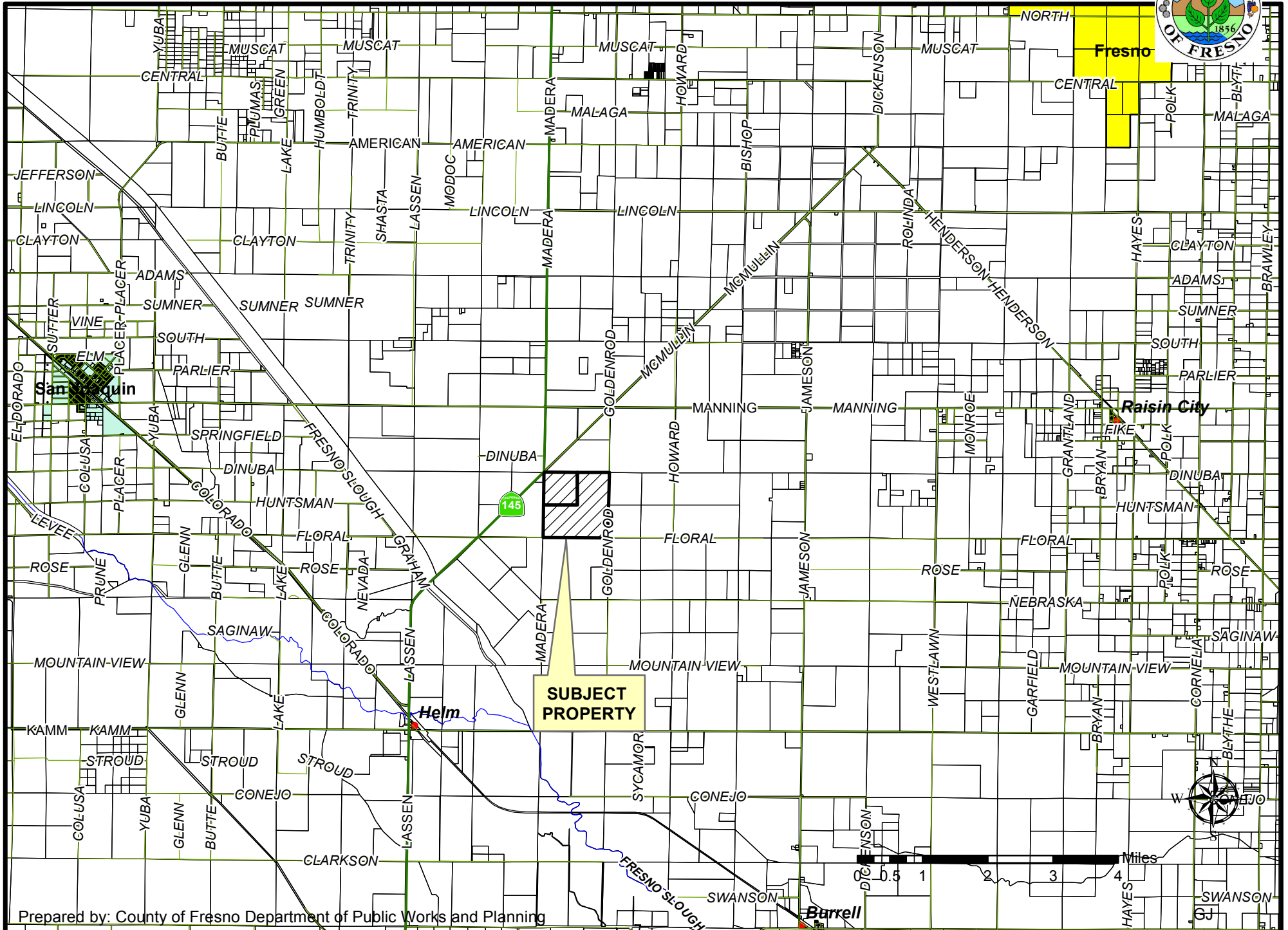
Notes

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

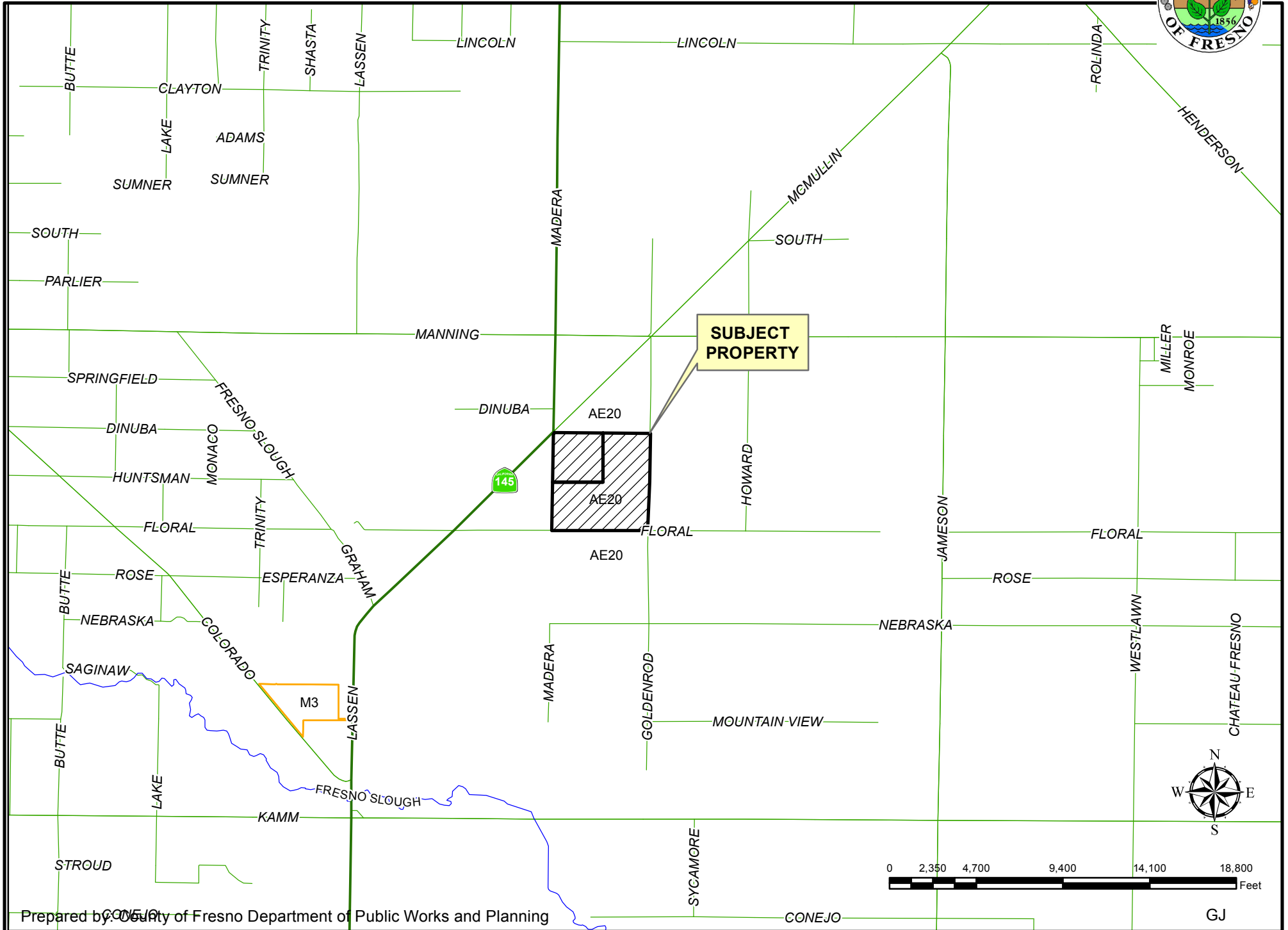
1.	Classified Conditional Use Permit (CUP) No. 3584 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	All survey monumentation – property corners, section corners, County benchmarks, Federal benchmarks and triangulation stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
3.	The proposed Project may be subject to the following Air District Rules and Regulations: <ul style="list-style-type: none"> – Regulation VIII (Fugitive PM 10 Prohibitions), – Rule 4102 (Nuisance) – Rule 4601 (Architectural Coatings) – Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) – Rule 4002 (National Emission Standards for Hazardous Air Pollutants) – Rule 4550 (Conservation and Management Practices) – Rule 4570 (Confined Animal Facilities)

Notes	
4.	The subject dairy is enrolled under the Waste Discharge Requirements for Bernard te Velde, the te Velde Family Trust, Micrology, Inc., Donald J. Cameron, and Terranova Ranch, Inc., Lone Oak Dairy #2, Order R5-2008-0001 (Digester Order) and accompanying Monitoring and Reporting Program. Upon completion of construction of the proposed anaerobic digester, several of the Provisions in Section E of the Digester Order requiring submission of technical reports will be past due and will need to be submitted as soon as practicable.
5.	To satisfy Best Practicable Treatment or Control requirements of the Digester Order, the proposed new pond should meet the Tier 1 liner design specifications cited in Pond Specification C.5 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122.
6.	Any additional runoff generated by the proposed developed of this site should be retained on site.
7.	An encroachment permit from the Road Maintenance and Operations division of the Fresno County Department of Public Works and Planning will be required for any work done in the County right-of-way.
8.	This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving FCFPD conditions of approval for this project, the Applicant shall submit construction plans to the County of Fresno Department Public Works and Planning for review. It is the Applicant's responsibility to deliver three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. FCFPD requirements may include, but are not limited to: water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinkler systems, fire alarm systems, premises identification and Title 15.60 County Ordinance.
9.	Prior to issuance of building permits, the dairy owners will be required to submit complete construction plans and specifications for the new milk barn for review and approval. Plans shall be submitted to the California Department of Food and Agriculture, Milk and Dairy Foods Safety Branch and the County of Fresno Department of Public Health, Environmental Health Division.
10.	Prior to the 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 Department of Public Health, Environmental Health Division acting as the Local Enforcement Agency. Please contract Solid Waste staff at (559) 600-3271 for more information.
11.	The Division of Drinking water inactivated this site as a public water system, effective June 13, 2018. If future use of this site causes it to meet the definition of a public water system, the property owner must apply for and obtain a domestic water supply permit from that Division.

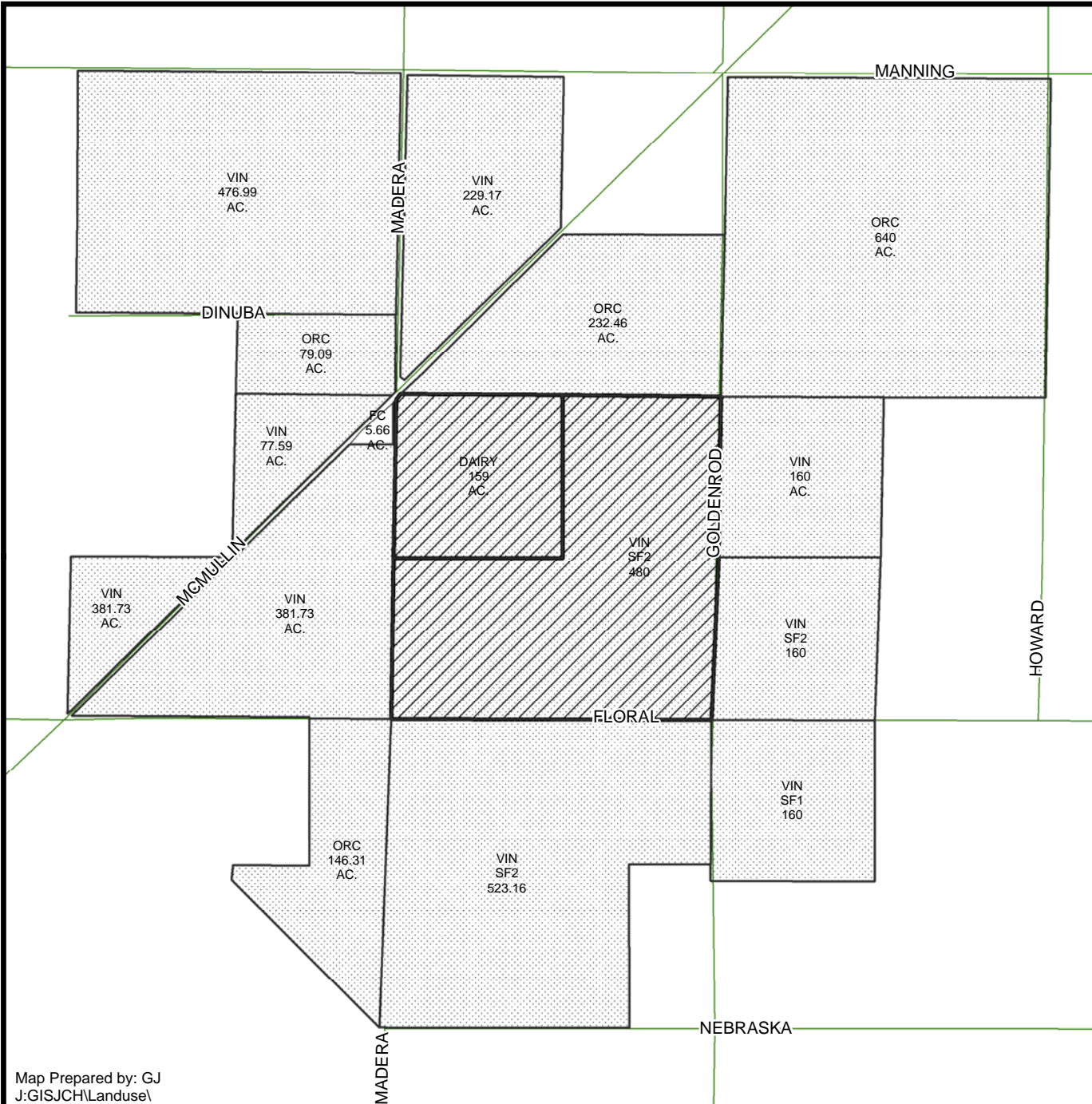
LOCATION MAP



EXISTING ZONING MAP



EXISTING LAND USE MAP



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

LEGEND:

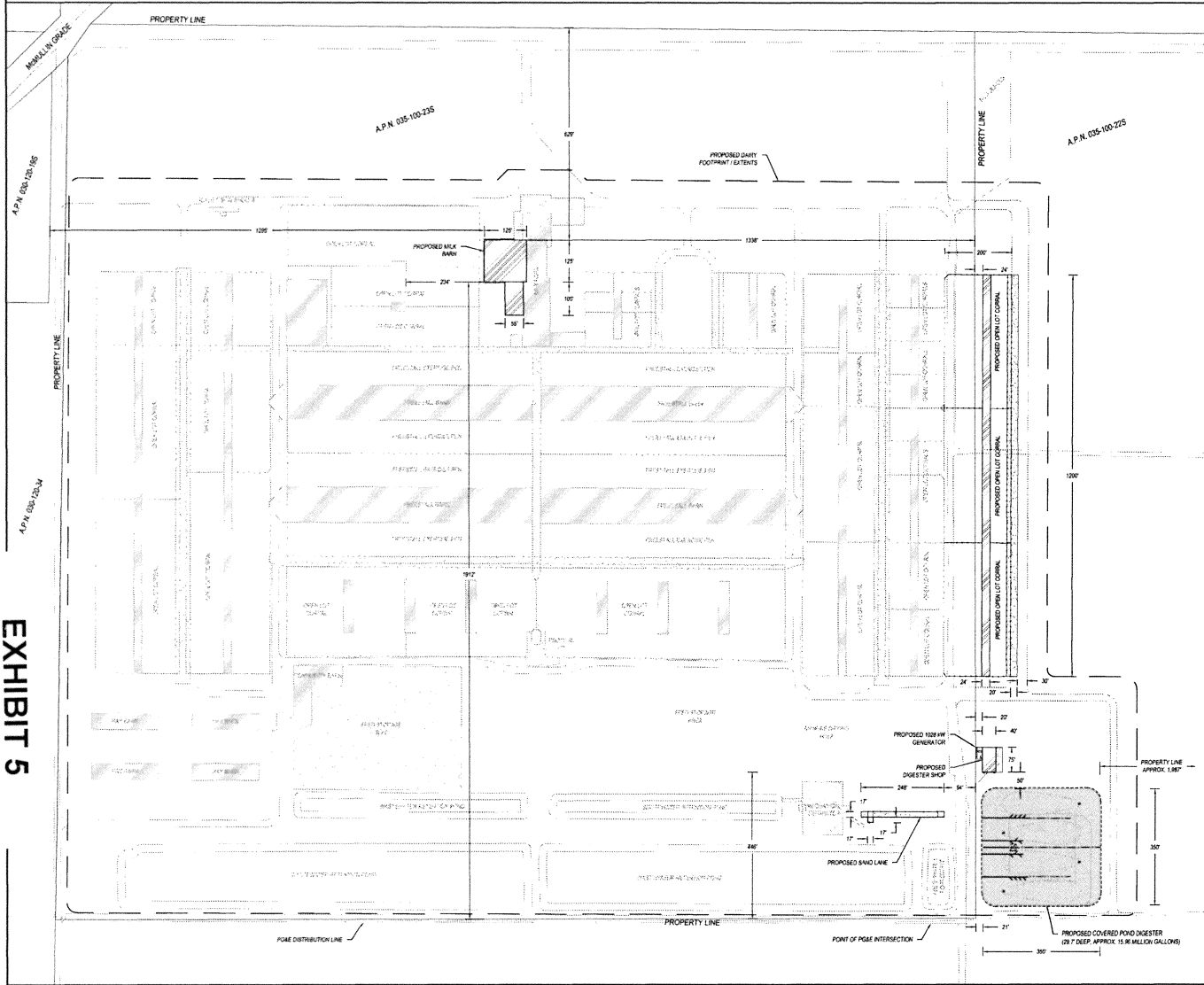
- Subject Property
- Ag Contract Land



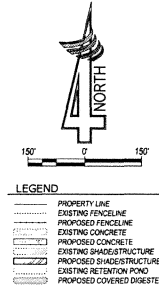
0 625 1,250 2,500 3,750 5,000 Feet

Department of Public Works and Planning
Development Services Division

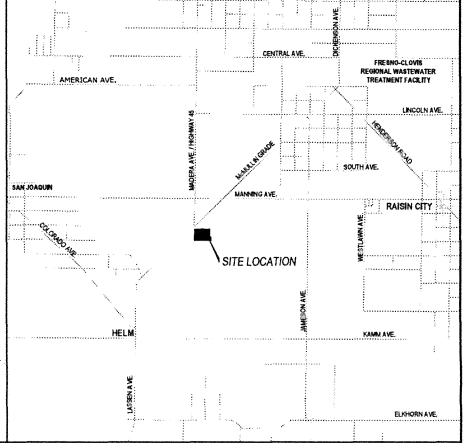
LONE OAK FARMS DAIRY #2 PROPOSED FACILITY IMPROVEMENTS



OWNER BERNARD TE VELDE
 ADDRESS 14523 DINUBA AVENUE
 HELM, CA 93627
 COUNTY FRESNO COUNTY
 A.P.N. 035-100-225
 035-100-235



- LEGEND**
- PROPERTY LINE
 - - - EXISTING FENCELINE
 - ▤ PROPOSED FENCELINE
 - ▥ EXISTING CONCRETE
 - ▧ PROPOSED CONCRETE
 - ▨ EXISTING SHADESTRUCTURE
 - ▩ PROPOSED SHADESTRUCTURE
 - EXISTING RETENTION POND
 - PROPOSED COVERED DIGESTER POND



PROPOSED SITE PLAN

SCALE: 1" = 150'

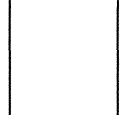
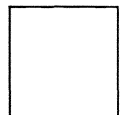
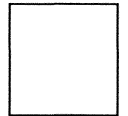
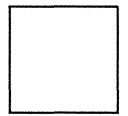
VICINITY MAP

SCALE: 1" = 2 MI.

EXHIBIT 5

EXHIBIT 5

REVISIONS	DATE	BY	DESCRIPTION



DESIGNED BY: JAMES W. STELLA
 CHECKED BY: JAMES W. STELLA
 DRAWN BY: JAMES W. STELLA
 DATE: 04/13/2017

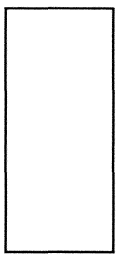
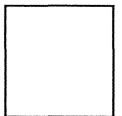
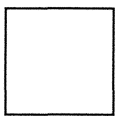
PREPARED BY: **4CREEKS**
 ENGINEERING

CONTRACTOR: LONE OAK FARMS DAIRY #2
 14523 DINUBA AVENUE
 HELM, CA 93627

DAIRY FACILITY MODIFICATIONS
 PROPOSED SITE PLAN

PLOT DATE: 04/13/2017
JOB NO.: 16393
FILE NAME: 16393-SP
SCALE: SEE SHEET
SHEET NO.: SP

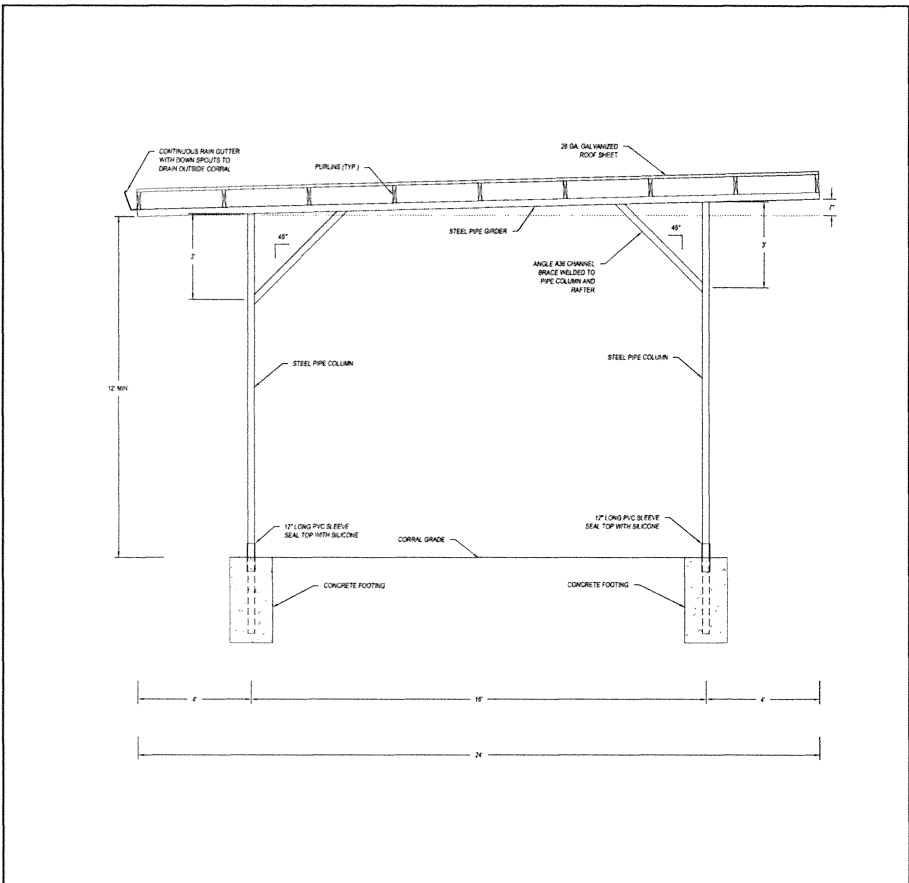
REVISIONS	DATE	BY	DESCRIPTION



PREPARED BY: DALE SWANER, P.E., S.E.A.
 10000 W. 10TH AVE., SUITE 100
 DENVER, CO 80232
 TEL: 303.852.3030
 FAX: 303.852.3175
 CHECKED BY: MDR
 DRAWN BY: RMP

CONSTRUCTION PLAN
LONE OAK FARMS DAIRY #2
 18200 W. 10TH AVE.
 FRESNO, CA 93827
DAIRY FACILITY MODIFICATIONS
CORRAL / SHADE PLAN & ELEVATION

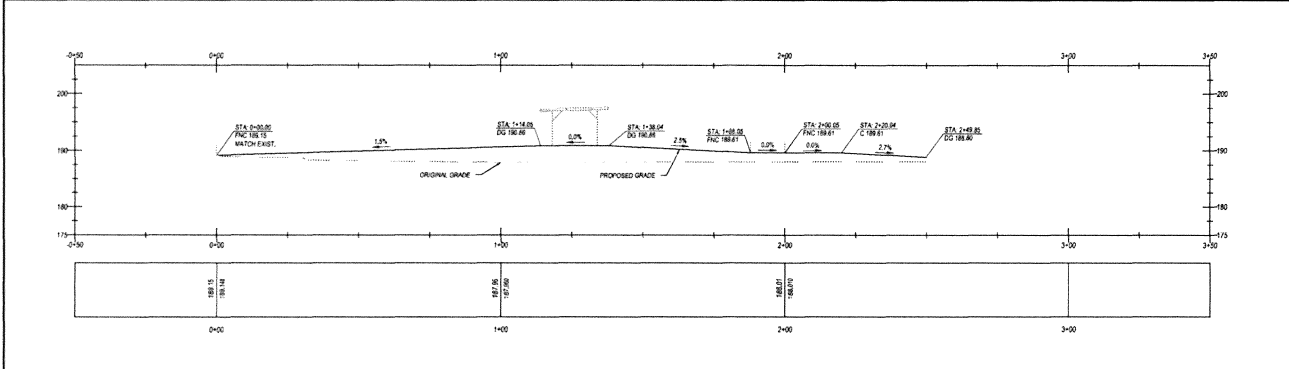
PLOT DATE: Jul 14, 2017
 JOB NO.: 16393
 FILE NAME: 16393-CORRAL SHD
 SCALE: SEE SHEET
 SHEET NO.: CS



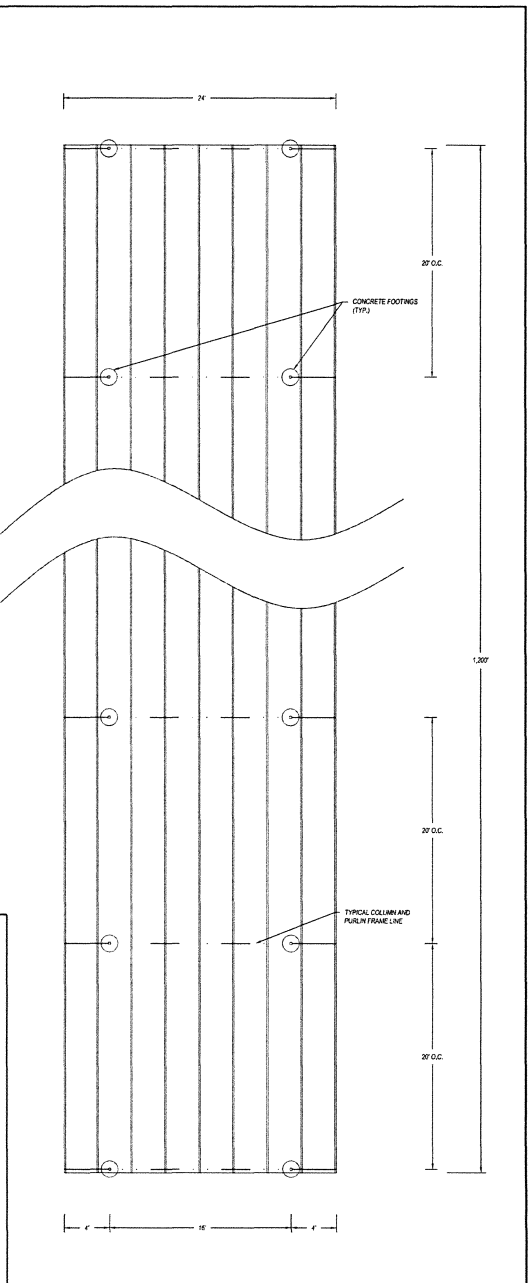
*NOTE: FINAL INTERIOR DIMENSIONS AND DETAILS NOT YET DETERMINED. PLANS SHOWN BASED UPON PRELIMINARY DESIGN.



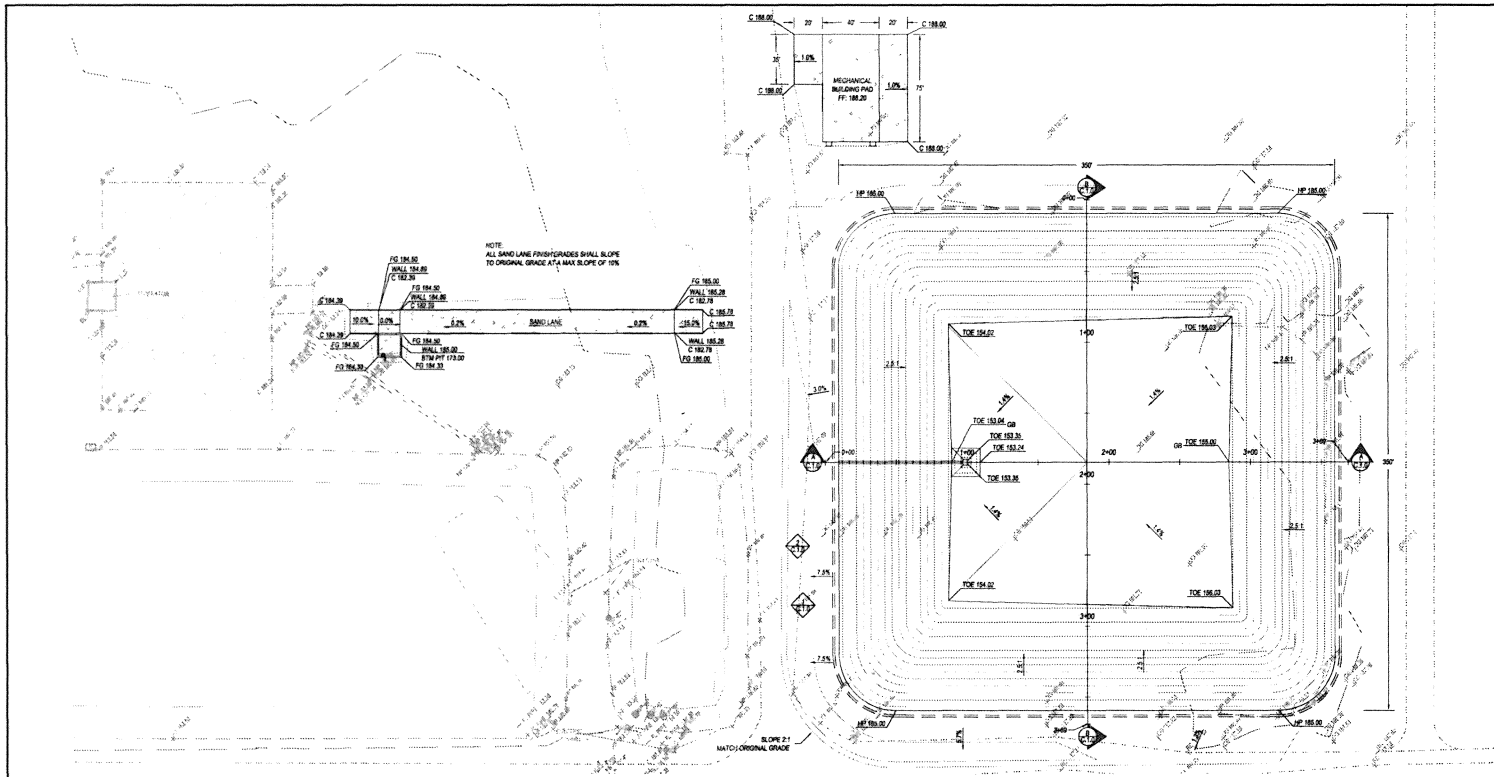
1 CORRAL SHADE ELEVATION SCALE: 1" = 2'



2 PROPOSED CORRAL PROFILE SCALE: 1" = 20'



3 CORRAL SHADE PLAN SCALE: 1" = 5'

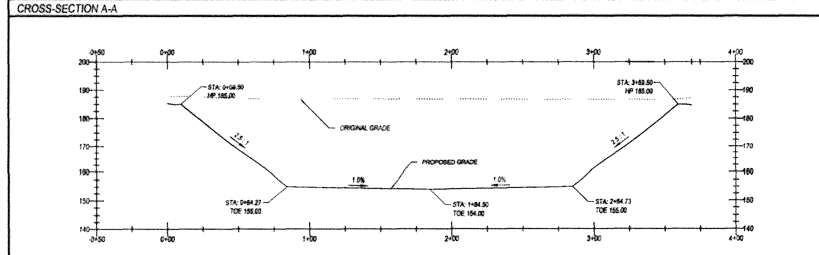
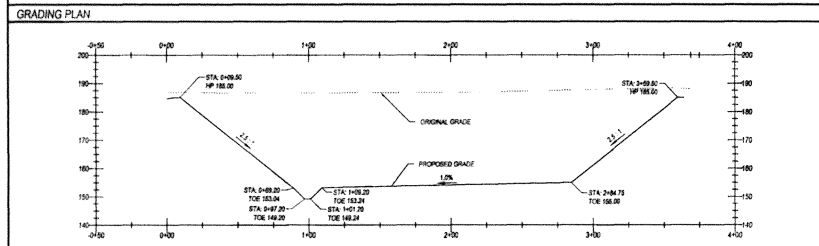


EARTHWORK CONSTRUCTION QUANTITIES (THIS SHEET ONLY)		
DESCRIPTION OF WORK	CUT (CY)	FILL (CY)
ANEROBIC DIGESTER	100,023	5
MECHANICAL BUILDING PAD	0	183
SAND LANE	162	160
TOTAL	100,215	348

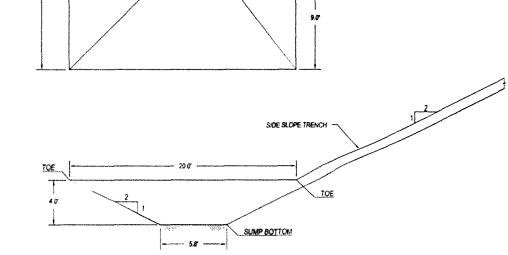
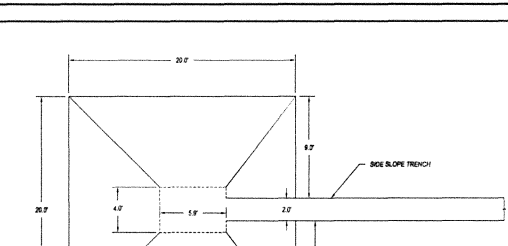
POND EARTHWORK DETAIL CONSTRUCTION QUANTITIES (THIS SHEET ONLY)		
DESCRIPTION OF WORK	QUANTITY	UNIT
ANCHOR TRENCH EXCAVATION	1,355	LF
SLOPE TRENCH EXCAVATION	97	LF
SUMP EXCAVATION	30	CY

* A 25% SHRINKAGE FACTOR HAS BEEN USED IN THE EARTHWORK MODEL.
 NOTE:
 FOR SPECIFICATIONS ON FILL MATERIAL FOR ABOVE GROUND EMBANKMENTS AND COMPACTED FILL TESTS, REFER TO OUR SOILS TESTING SPECIFICATION TABLES.

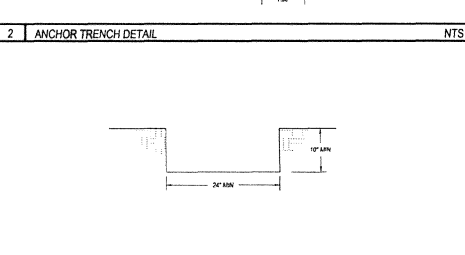
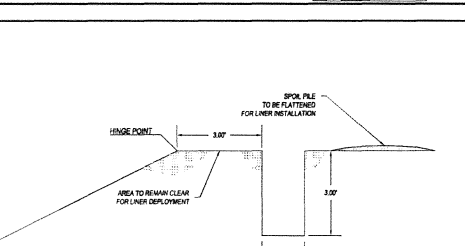
REVISIONS	DATE	BY	DESCRIPTION



CROSS-SECTION B-B



1 SUMP GRADING DETAIL NTS



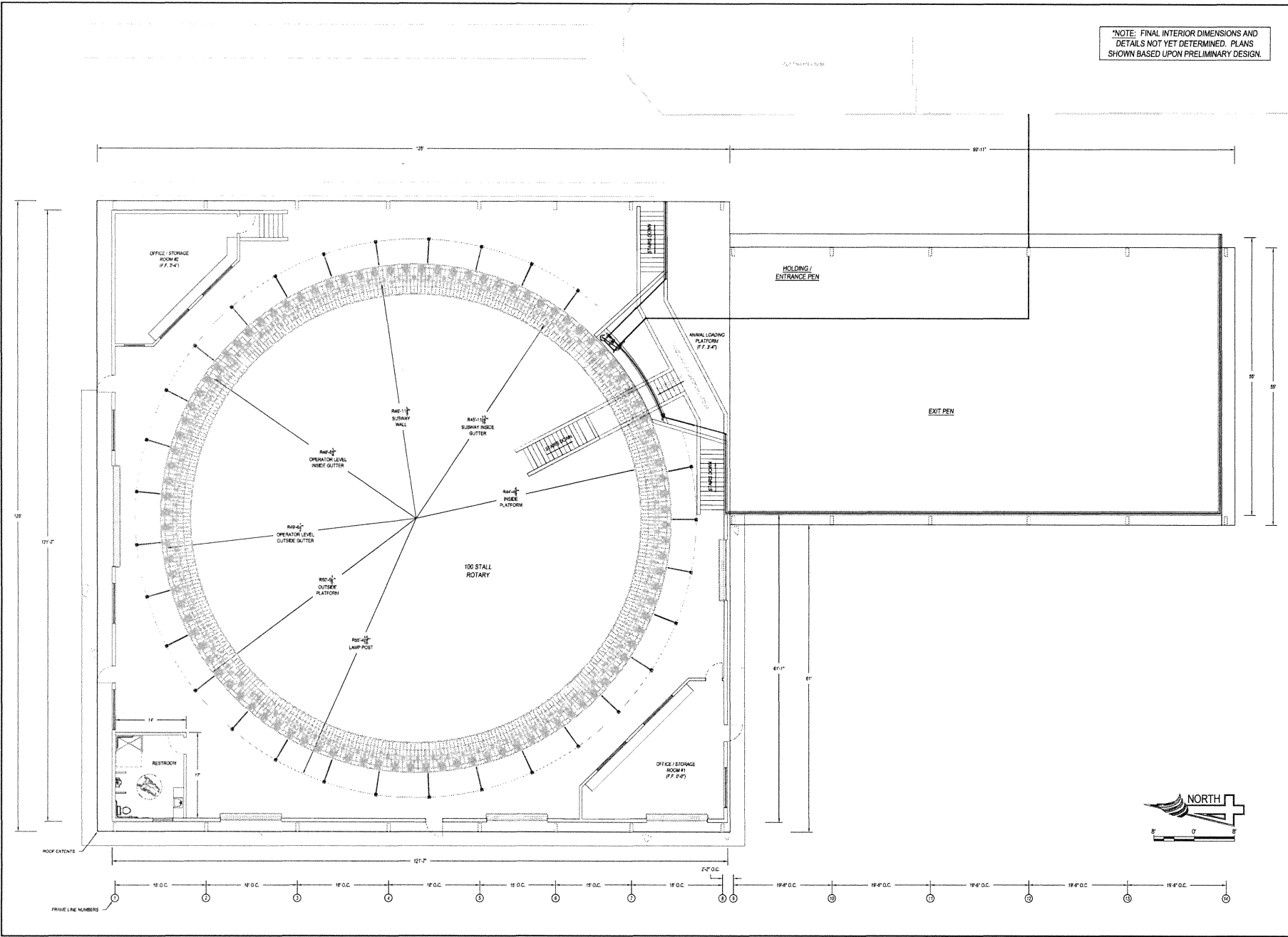
3 SIDE SLOPE TRENCH NTS

PREPARED BY:
 JAYE SAWYER, SITE
 DESIGNER
 14500 SAN ANTONIO AVENUE
 SUITE 200
 FRESNO, CA 93720
 TEL: 559-862-2002
 FAX: 559-862-2010
4CREAKS
 CIVIL ENGINEERING

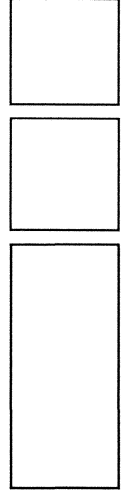
LONE OAK DAIRY #2
 14500 SAN ANTONIO AVENUE
 SUITE 200
 FRESNO, CA 93720
ANEROBIC DIGESTER
 GRADING PLAN

PLOT DATE: Jun 23, 2017
 JOB NO.: 15383
 FILE NAME: 15112 BA-SGP
 SCALE: AS SHOWN
 SHEET NO.: **C.1.0**

*NOTE: FINAL INTERIOR DIMENSIONS AND DETAILS NOT YET DETERMINED. PLANS SHOWN BASED UPON PRELIMINARY DESIGN.



REVISIONS	DATE	BY	DESCRIPTION



PREPARED BY: DALE SWARTZ, P.E. STE. A
 4500 N. HWY. 99
 MARIETTA, GA 30067
 TEL: 770.426.2300
 FAX: 770.426.2301

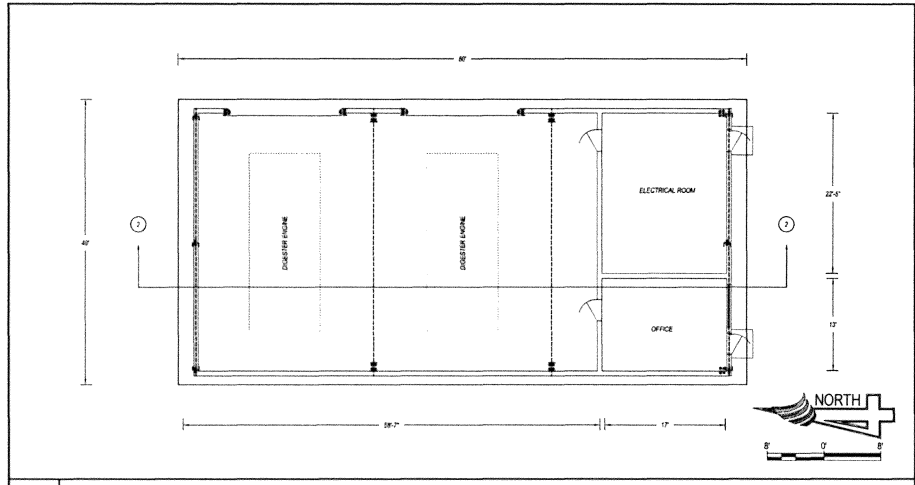
4CREEKS

OWNER: LAMP
 CHECKED: MDR

CONSTRUCTION PLAN
LONE OAK FARMS DAIRY #2
 4820 DUNDON AVENUE
 FIELS, CA 95027

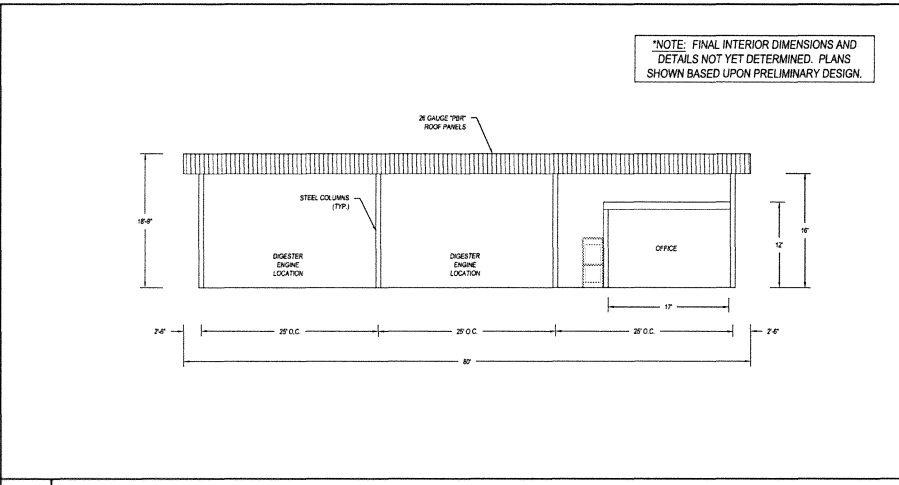
DAIRY FACILITY MODIFICATIONS
MILK BARN FLOOR PLAN

PLOT DATE: Jun 30, 2017
 JOB NO.: 16193
 FILE NAME: 16335-MB-FP
 SCALE: 1" = 8'
 SHEET NO.: MB-FP



1 DIGESTER SHOP FLOOR PLAN

SCALE: 1" = 8'

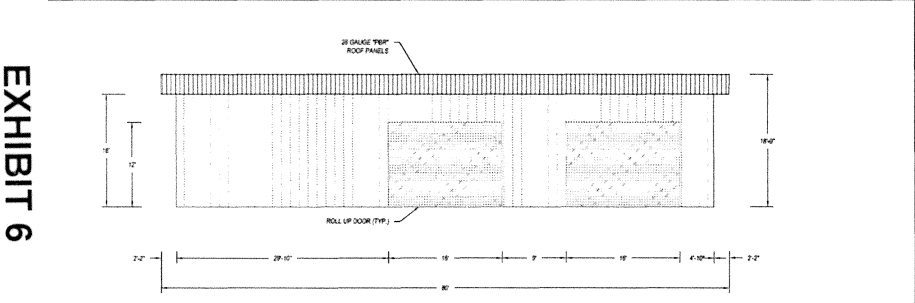


*NOTE: FINAL INTERIOR DIMENSIONS AND DETAILS NOT YET DETERMINED. PLANS SHOWN BASED UPON PRELIMINARY DESIGN.

2 DIGESTER SHOP CROSS SECTION

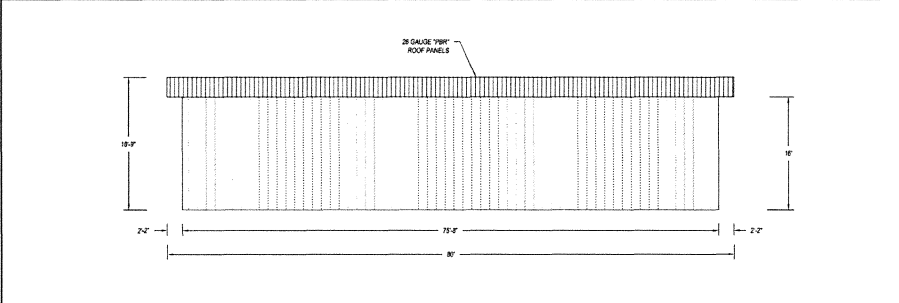
SCALE: 1" = 8'

EXHIBIT 6



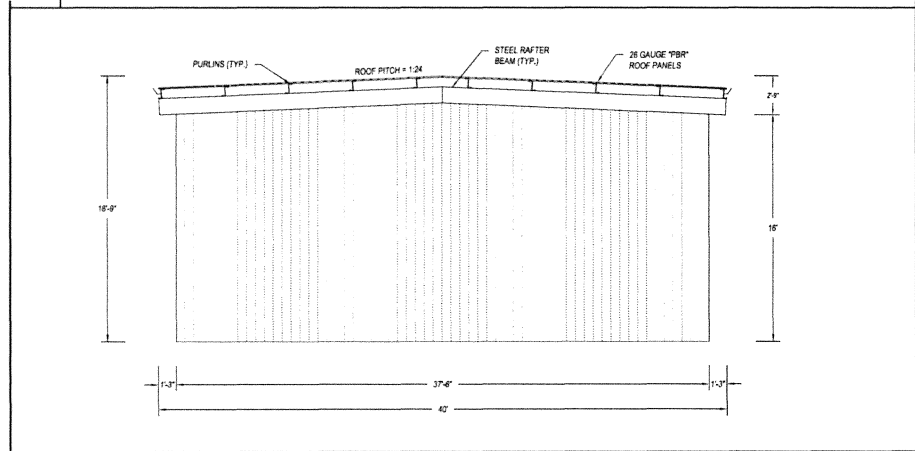
WEST WALL ELEVATION

SCALE: 1" = 8'



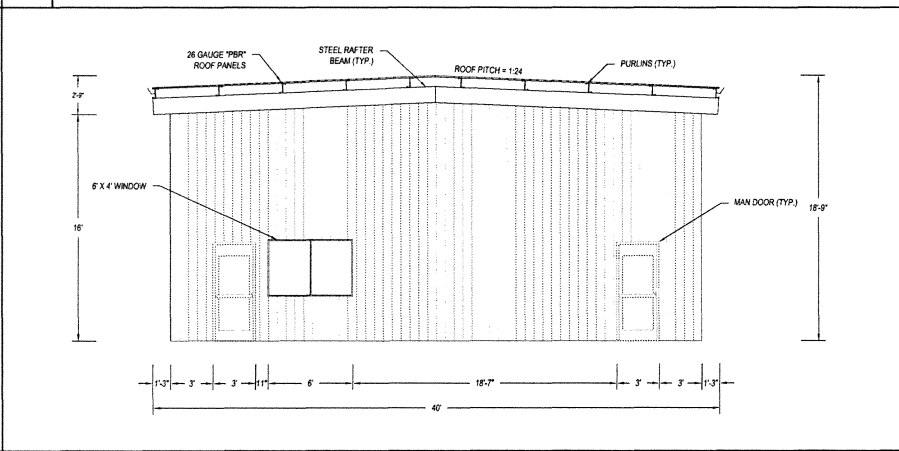
EAST WALL ELEVATION

SCALE: 1" = 8'



NORTH WALL ELEVATION

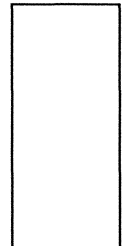
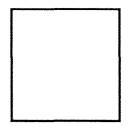
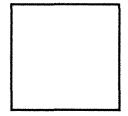
SCALE: 1" = 4'



SOUTH WALL ELEVATION

SCALE: 1" = 4'

REVISIONS	DATE	BY	DESCRIPTION

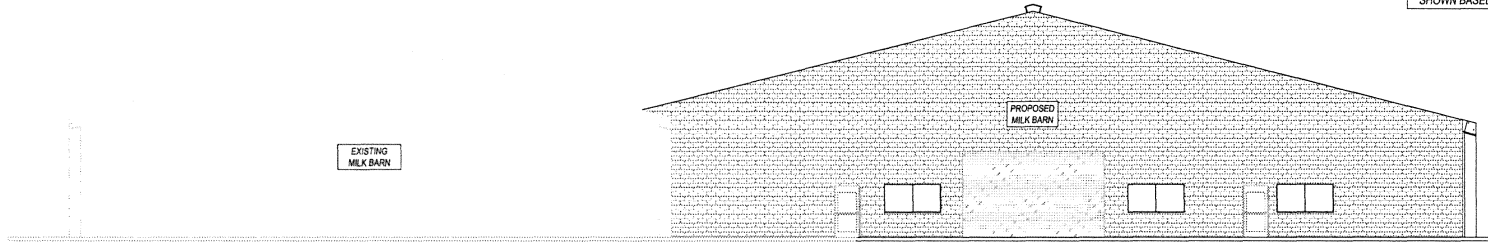


PREPARED BY:
 314 S. SANTA FE, STE. A
 MOUNTAIN VIEW, CA 94039
 TEL: 510.803.5500
 FAX: 510.803.5501
4CRECKS
 DAIRY, COM

CONTRACTOR/OWNER:
LONE OAK FARMS DAIRY #2
 14210 DUNBAR AVENUE
 HENLY, CA 95027
DAIRY FACILITY MODIFICATIONS
DIGESTER SHOP FLOOR PLAN & ELEV.

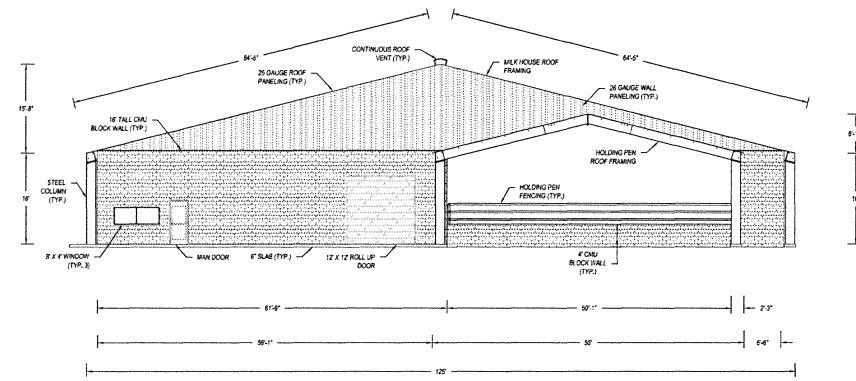
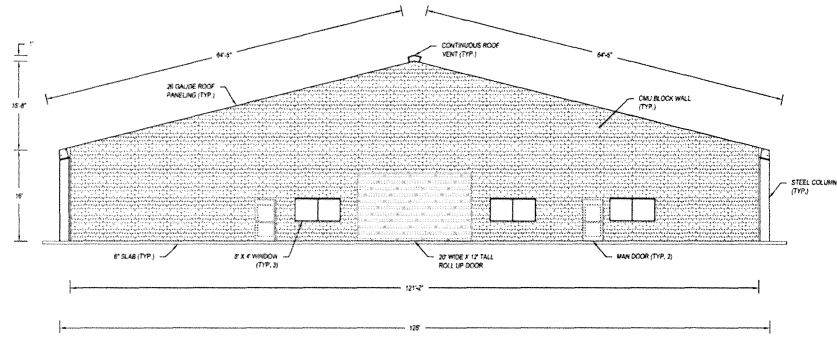
PLOT DATE: Jun 23, 2017 JOB NO: 16393 FILE NAME: 16393-08 SCALE: SEE SHEET SHEET NO.: DS
--

*NOTE: FINAL INTERIOR DIMENSIONS AND DETAILS NOT YET DETERMINED. PLANS SHOWN BASED UPON PRELIMINARY DESIGN.



1 FRONT VIEW - PROPOSED MILKING FACILITY

SCALE: 1" = 8'

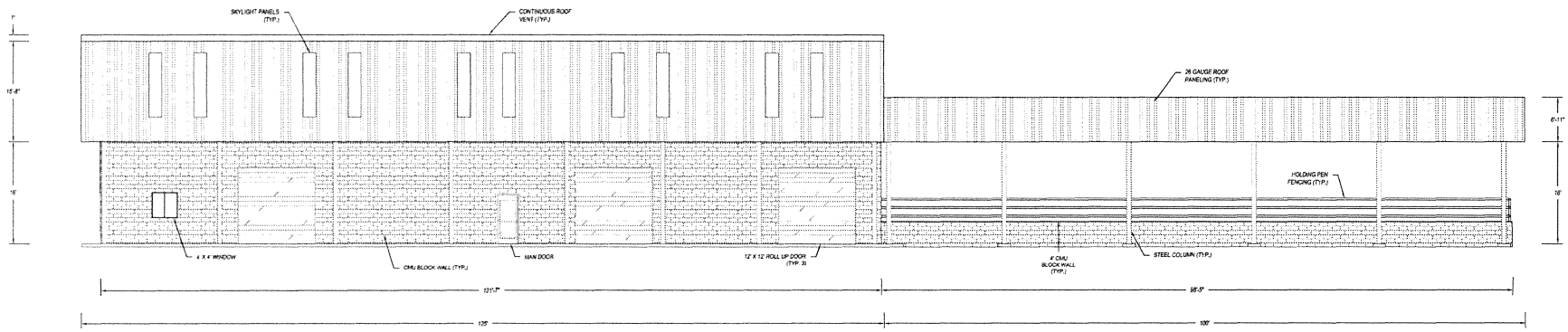


2 NORTH ELEVATION - PROPOSED MILK BARN

SCALE: 1" = 10'

3 SOUTH ELEVATION - PROPOSED MILK BARN

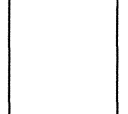
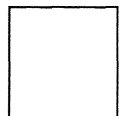
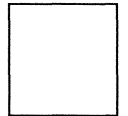
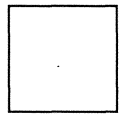
SCALE: 1" = 10'



4 WEST ELEVATION - PROPOSED MILK BARN

SCALE: 1" = 8'

REVISIONS	DATE	BY	DESCRIPTION

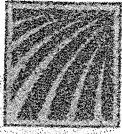


30 S. SAWYER STE. A
 NEWAOK, COLORADO
 80060
 303.555.8822



CONSTRUCTION PLAN
 LONE OAK FARMS DAIRY #2
 18255-MS-EL
 DIARY FACILITY MODIFICATIONS
 MILK BARN ELEVATIONS

PLOT DATE: Jul 13, 2017
 JOB NO.: 18393
 FILE NAME: 18255-MS-EL
 SCALE: SEE SHEET
 SHEET NO.: MB-EL



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

RECEIVED
 COUNTY OF FRESNO

JUN 20 2018

DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

CUP 3584

Operational Statement Questions

Facility Name: Lone Oak #2, 10014 S. McMullin Grade, Helm CA 93627.

County: Fresno County

1. Describe in detail the nature of the operation and on what is being proposed to do.

Dairy Farm - A class of Agriculture for long term milk production. Milk is produced and hauled off-site and processed into dairy products such as cheese, butter, etc.

Increase young heifers, ages 7-14mos. This will include the addition of three corrals. It will increase the footprint of the existing facility.

The addition of a covered lagoon digester.

2. How many cattle are on site? 3508 (Mature), 1000 (15-24mos), 488 (4-6mos), 678 (0-3mos)
 Will the proposal increase the number of cattle? Yes If so by how many? 900 yg heifers 7-14 mo

3. Operational time limits: Operates 7 days a week, 20 hours a day, all year. Indoor and outdoor.

4. Number of customers or visitors: per day: 0 visit hours: _____

5. Number of employees 24. Will proposal increase the number? No

Hours/shifts employees work:

Operates all seasons on 2 daily 10-hour shifts from
 4:00 am to 12:00 am.

Have NO live on-site caretakers.



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? Semi trucks Less than 10/day number per day: _____

7. Road access to the site: (*public or private*) McMillian Grade. Private road - surface & paved.

8. Number of parking spaces on site: 10

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?

Loader, Tractor, Milking Machines. Trucks hauling milk off-site, internal combustion engine burning methane gas to make electricity.

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

Cattle feed, wheat and corn silage stored under tarp. Grains stored in feed bunker.

12. Does the use cause an unsightly appearance? No increase

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.

All wastes are stored at the south end of the facility. Liquid manure goes to ponds and then is hauled off site 2 times a year. Dry manure is scraped and hauled off simi annually to land application areas off site.

14. Estimated volume of water to be used (gallons per day) 105,000 gallons

Source of water? Well



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?

Yes, no changes to existing buildings. One new building will be added to house the internal combustion engine.

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

Construction of the new building used to house the internal combustion engine should be 20 foot build, with silver or metallic and 40x40 dimension. There will also be 3 new heifer corrals installed in which will be used to provide extra space for the animals.

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

No.

19. Landscaping or fencing proposed?

No change.

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

Attached is the operation statements for the addition of heifers and digester.

21. Identify all Owners.

Bernard te Velde and Rebecca te Velde

Operational Statement: Lone Oak Farms #2 Dairy Digester

Prepared by Maas Energy Works Inc.

10014 S McMullin Grde

Fresno, CA 93706

RECEIVED
COUNTY OF FRESNO

JUN 22 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3584

The Lone Oak Farms #2 Dairy Digester project includes a new covered lagoon manure digester, a biogas engine generator set, and supporting equipment.

The digester will be created by digging a new, double-lined pond as shown on the project site plan. This new pond will receive the liquid manure produce by the existing dairy farm. The dairy manure flow will remain unchanged except for adding the digester directly after the separator. The separated manure will feed the digester by gravity flow. The manure will enter the digester on the NW corner, pass through the double U in the digester and exit at the SW corner. Digester effluent exiting the digester will flow into the nearby storage ponds where it will wait for application on the fields.

The digester will create methane-rich biogas underneath the lagoon cover via anaerobic digestion. The biogas created by the digester will be piped to the nearby engine building. A blower inside the building will push it through a condenser and into the engine. The engine will be mated with a 1,028 kW electric generator which will export its power to the PG&E grid via switchgear and a step-up electrical transformer on a new metered connection to the grid.

RECEIVED
COUNTY OF FRESNO

JUN 22 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3584

March 10, 2017

RE: Operational Statement for Lone Oak Dairy Farms #2

Lone Oak Dairy Farm #2, located at 10014 S. McMullin Grade, Helm CA, and operating under Conditions Use Permit (CUP) 3216.

Lone Oak wishes to amend this CUP to include 3 additional corrals (see attached plan) for 900 more heifers, approximately 300 animals per corral. The animal number increase is an attempt to currently house all necessary animals for this dairy. The animal size will be approximately 600-800 lbs. There will be no additional milking numbers added.

Sincerely submitted,

A handwritten signature in black ink, appearing to be "B. To" or similar, written in a cursive style.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Innovative Ag Services, LLC
- APPLICATION NOS.: Initial Study Application No. 7338 and Conditional Use Permit Application No. 3584
- DESCRIPTION: Allow the addition of three corrals, a new 100-stall milk barn, 900 additional heifers with no addition to the milking numbers, a new covered lagoon manure digester and a biogas engine generator set with supporting equipment on two parcels totaling ~~159~~ **639** acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the southeast side of S. McMullin Grade, between S. Madera Avenue and S. Goldenrod Avenue, approximately 6.6 miles east of the City of San Joaquin (10014 S. McMullin Grade) (Sup. Dist. 4) (APN 035-100-22S and 035-100-23S).

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:

McMullin Grade, Madera Avenue, and Goldenrod Avenue have not been designated by the Fresno County General Plan as landscaped or scenic drives, or as scenic highways. There are no scenic vistas in the area. Development in the vicinity of the project site is primarily large-scale agricultural operations. Therefore, the addition of corrals, a milk barn, and a covered digester to this existing dairy will not present a change in the appearance of land uses in the area and will therefore not impact any scenic resources.

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

FINDING: NO IMPACT:

The proposed improvements are consistent with the existing dairy operation and therefore will not degrade the existing visual character or quality of the site and its surroundings. Surrounding development consists of large parcels which are committed to the development of orchard and vineyard. The additional corrals and milk barn will represent a negligible increase to the dairy as seen from nearby public roads, primarily McMullin Grade. The digester consists of a series of covered ponds, which will be at grade or only slightly raised during operation and a generator which will be stored within a new building. Therefore, there will be no adverse impact to the existing visual character and quality of the site.

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

FINDING: NO IMPACT:

No outdoor lighting is proposed as part of this application. The improvements will be constructed with typical construction materials and therefore will not contribute to glare impacts.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Farmland on the subject parcels has been classified as a mixture of prime farmland, unique farmland, farmland of statewide importance, and confined animal agriculture. The confined animal designation is limited to the area where the dairy cows are housed and the remaining designations are intermixed across the area of row crops. The new milk barn and additional herd will be located in the area of the existing dairy improvements where the land has been designated for confined animal agriculture; however, the proposed digester and three new open lot corrals will be located east of the existing improvements, on land designated as prime farmland. While these improvements represent a change in the use of the prime farmland on this parcel, the new uses are supportive of agriculture and therefore, this project will have a less than significant impact on the conversion of prime or unique farmland or farmland of statewide importance to a non-agricultural use.

- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is restricted by Williamson Act Contract No. 2416. Electrical power generation facilities that sell the generated electricity to the grid are not considered uses that are permitted under or compatible with the Williamson Act Contract. Therefore, approximately 7.65 acres of land where the digester is proposed must be removed from Contract. The Policy Planning Division determined that the land could be removed with

the filing of a Notice of Non-renewal for the portion of land where the digester is proposed. Removal of this land from Contract #2416 represents a removal of approximately 1.2% of the contracted land at the project site. The amount of land now under non-renewal does not represent a significant reduction in land restricted by Williamson Act Contract.

The Notice for Non-renewal was filed on August 9, 2018 for the portion of the property where the digester is proposed. With this Notice, there are no conflicts with the remaining Williamson Act Contract.

The proposed improvements are consistent with the Zoning Ordinance, which requires the approval of a Conditional Use Permit. Said permit will be considered concurrently with this environmental review. Therefore, this project will have a less than significant impact on existing zoning.

- 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 is not located near any land that is used or zoned for used for Timberland Production. Therefore, there are no conflicts with or loss of timberland or forest land as a result of this project.

- 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 proposed improvements are an expansion of the existing dairy on this parcel. The portion of the parcel where the digester is located was submitted for non-renewal of the Williamson Act Contract that restricts the two subject parcels; however, the inclusion of the digester on site is generally supportive of the whole agricultural operation on the project site. The conflict with the Williamson Act is primarily due to the commercial nature of the digester, which proposes to generate electricity for sale to PG&E. The continued agricultural production on these parcels is necessary to receive wastewater from the digester and the operation of the dairy is necessary to provide the input for the digester. Therefore, approval of this project will not result in the conversion of farmland to non-agricultural uses.

As noted above, the project is not located in the vicinity of forest land and therefore, will have no impacts on the conversion of forestland to non-forest uses.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Impact Assessment was reviewed by the San Joaquin Valley Air Pollution Control District (District) to determine if project emissions would exceed District significance thresholds for Carbon Monoxide, Nitrogen Oxides, Sulfur Oxides, and Particulate Matter of 10 and 1.5 microns or less in size. Annual emissions were determined to be less than the significance thresholds set by the District and therefore, impacts from this project are considered to be less than significant.

This project will be subject to several regulations administered by the District, such as Rule 4102 (Nuisance), Rule 4550 (Conservation Management Practices), Rule 4570 (Confined Animal Activities), and Rule 2201 or 2010 (New and Modified Stationary Source Review or Permits Required). In addition, the developer is required to obtain an Authority to Construct prior to construction. Compliance to these regulations will ensure that the project does not conflict with the State Implementation Plan or contribute to existing or potential violations in Fresno County.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The County of Fresno is considered a non-attainment region for the following pollutants: one-hour ozone (state standard); eight-hour ozone (state and federal); Particulate Matter (PM) 10 (state); and PM2.5 (state and federal). The District has developed rules and regulations which ensure that projects which release criteria pollutants are operated in a manner that does not interfere with attainment or maintenance of Air Quality Standards. Therefore, with compliance to these existing regulations, this project will have a less than significant impact on incremental, cumulative contributions towards the exceedance of Federal or State ambient air quality standards.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Dairies are known to release objectionable odors, primarily due to animal waste from the milking cows. The proposed project includes an increase in the number of animals

at the project site; however, it also proposes to install a covered digester which will process manure. The manure will be anaerobically activated to release methane, which will then be piped to a nearby engine building where it will run an engine to create power. The capture and use of methane gas is anticipated to remove adverse odors from the air as compared to the baseline.

Further, development in this area is dominated by large parcels of agricultural production with very limited residential development. The nearest residences based on a review of Google Earth (imagery dated February 2, 2018) are located on the subject parcel, adjacent to the existing dairy. The nearest off-site residence is approximately one half-mile from the proposed improvements. Therefore, due to the anticipated reduction in objectionable odors and the distance between the closest residences and the project site, this project will not expose sensitive receptors to substantial pollutant concentrations and will not create objectionable odors affecting a substantial number of people.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to comments by the California Department of Fish and Wildlife (CDFW), a State Species of Concern, the tri-colored blackbird (TRBL), has the potential to nest or forage on or adjacent to the Project Site. Flood-irrigated agricultural land provides nesting habitat for these species and take could occur if construction takes place during the nesting season. Therefore, a mitigation measure shall be required to ensure that construction occurs outside of the typical breeding season. If construction must occur during the breeding season, then appropriate pre-construction surveys shall be required and should a nesting colony be observed, then consultation with CDFW and/or a take permit shall be required.

* **Mitigation Measure**

1. *To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:*
 - a. *Where construction occurs outside the normal bird breeding season (February 1 through September 15), no further mitigation is necessary.*
 - b. *To evaluate potential Project-related impacts planned for the normal bird breeding season (February 1 through September 15), a qualified wildlife biologist shall conduct surveys for nesting TRBL no more than 10 days prior to the start of project implementation.*
 - c. *If an active TRBL nesting colony is found during preconstruction surveys, a minimum 300-foot no-disturbance buffer shall be established in*

accordance with the California Department of Fish and Wildlife (CDFW) "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. The TRBL colonies can expand over time and for this reason, the colony shall be reassessed to determine the extent of the breeding colony before conducting construction activities.

- d. If the 300-foot no-disturbance nest buffer is not feasible, the developer shall consult with California Department of Fish and Wildlife to determine if the Project can avoid take. If take cannot be avoided, the developer shall acquire an Incidental Take Permit for tricolored blackbird to comply with the California Endangered Species Act.*

- 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The U.S. Fish and Wildlife Service's National Wetlands Mapper identifies fourteen wetlands on the project site. Across the two parcels that comprise the project site, the Mapper identified ten separate freshwater ponds, each of which was classified as a palustrine system with unconsolidated shore which is temporarily flooded. The Mapper also identified four stretches of scrub-shrub palustrine systems. It is noted that the wetlands in this area were identified using color infrared imagery from 1987 and that aerial photos do not indicate the presence of any of these wetlands. Grading in the vicinity of the dairy ensures that water does not pool on site. It is similarly unlikely that wetlands persist in the areas of the row crops, where the land has been disced and improved for farming.

An irrigation canal runs parallel to S. McMullen Grade in this area. It is located on the opposite side of the road from the project site and will not be impacted by development.

Therefore, due to the removal of wetlands from the project site during the by-right operation of the Dairy and the distance between the proposed improvements and the existing irrigation canal, the project will have a less than significant impact on wetlands.

- 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:

There are no federally-protected wetlands present on the project site. Wetlands were indicated based on infrared review of photos taken in 1987 and the project site has been developed with row crops and confined animal pens since 2005.

- 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: NO IMPACT:

This project will not interfere with the movement of any fish or wildlife species as the proposed improvements represent only an incremental change to the existing development on the parcel. The parcel does not currently serve as a migratory corridor and is not intersected by a stream or river that would provide a corridor for aquatic species.

The project site is not restricted by any Natural Community Conservation Plan or other approved habitat conservation plan or tree preservation policy.

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; or
- 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 MITIGATION INCORPORATED:

Under the provisions of Assembly Bill 52, the County of Fresno was required to provide notice that this Initial Study was being prepared to Native American Tribes who had previously indicated interest in reviewing CEQA projects. Notices were sent on July 31,

2017 to Robert Ledger of the Dumna Wo Wah, Robert Pennell of Table Mountain Rancheria, and Ruben Barrios of Santa Rosa Rancheria. A notice was also sent to Tara Estes-Harter of the Picayune Rancheria of Chukchansi Indians on October 20, 2017.

Of these Tribal Governments, only Dumna Wo Wah requested consultation. Staff responded to the request in a letter dated September 6, 2017 and attended a meeting on September 13, 2017 with two Tribal Representatives to discuss this and other projects where the Tribe recommended consultation. On February 12, 2018, the results of a Sacred Lands File search by the Native American Heritage Commission and a records search performed by the San Joaquin Valley Information Center were forwarded to Robert Ledger along with a request for the tribe to identify any known resources at the project site. There was no response from the tribe since the September 13, 2017 meeting and staff therefore concluded consultation without identification of any known cultural resources.

However, despite the failure of the tribes and historical databases to identify known cultural resources, the potential exists for significant artifacts to be excavated during construction. Therefore, the following mitigation measure is proposed to ensure that impacts to previously unknown cultural resources can be reduced to less than significant.

* **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 shall 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.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 1. Rupture of a known earthquake?
 2. Strong seismic ground shaking?
 3. Seismic-related ground failure, including liquefaction?
 4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately five miles north of a series of faults identified by the California Department of Conservation's Fault Activity Map. These faults have had recognized movement in the last 1.6 million years; however, Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is located in an area where ground acceleration due to seismic hazards has only a 10% chance to exceed 20%g (speed of gravity) within the next 50 years. Therefore, despite the relative proximity of a series of fault lines, it is not anticipated that severe groundshaking or rupture of these faults will occur. The structures associated with this project will be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

Figure 9-6 (FCGPBR) shows that the project site is not in an area of moderate or high landslide or subsidence hazards and the project site is generally flat, precluding site-specific risk factors. Therefore, due to the project's location in a low-risk area and required compliance to the Fresno County Building code, development of this project will have a less than significant impact on the risk of adverse effects due to rupture of a known earthquake, strong seismic ground shaking or ground-related failure, and landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements to this existing dairy will not represent a significant expansion of graded area on the project site. Any grading that is performed will require a grading permit or voucher and ministerial review of those permits will ensure that substantial erosion or loss of topsoil does not occur.

- 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 site is not located in an area that is at risk of on-site or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse, according to Figure 7-1 (FCGPBR), and will not be located on 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 currently operates with the use of the existing permitted septic systems. No new septic is proposed as part of this application.

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:

Review of this project by the San Joaquin Valley Air District (District) determined that the project's emissions of criteria pollutants would not exceed the District's thresholds for significance and that the operation of the project would be consistent with the State Implementation Plan. Therefore, the project will have a less than significant impact on the generation of greenhouse gases and adherence to existing plans, policies, and regulations adopted for the purpose of reducing greenhouse gas emissions.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Methane will be produced in the anaerobic digester by natural biological processes (the decomposition of manure waste) and will be pumped to an engine house. The house would be located just north of the proposed digester, within the boundaries of the project site. Manure will enter the digester on the northwestern corner, pass through the double U in the digester and exit at the southwestern corner. Digester effluent will flow into the nearby storage ponds from where it will eventually be diluted and applied to the row crops. The methane biogas will be piped directly to the engine building where it will be pushed through a condenser and into the engine, which will be mated to an electric generator. The generator will export its power to the PG&E grid through new switchgear and step-up electrical transformer.

Therefore, while the routine use of the hazardous methane gas will occur, risk to the public as a result of its transport or accidental release is less than significant. The operation is limited to the southwestern corner of the dairy, approximately 3.8 acres, which is also surrounded by the row crops where the remaining effluent will be applied. The operator is required to maintain an emergency response plan. With compliance to the existing regulations and the operation of the digester distant from nearby

residences, there will be a less than significant impact on public hazards as a result of the transport or use of hazardous materials.

- 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 site is not located with one quarter mile of a school.

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

FINDING: NO IMPACT:

Review of the US EPA's NEPAAssist report indicates that there are no hazardous or contaminated sites within one mile of the project site. The following lists were consulted: Resource Conservation and Recovery Act (RCRA), Toxic Releases Inventory (TRI), Superfund/National Priorities List, Brownfields Assessment Cleanup and Redevelopment Exchange System (ACRES), RADInfo, and Toxic Substances Control Act.

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

FINDING: NO IMPACT:

The project is not located within the vicinity of a public or private airport or an airstrip.

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

- 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:

Approval of this project will not impair the implementation of an Emergency Response Plan or Emergency Evacuation Plan. Following construction, there will be a negligible increase in the amount of traffic generated by this project for maintenance and repair of the proposed digester, engine, and transformer.

The project site is located in an area of local responsibility for fire protection and is not at significant risk of damage due to wildfire.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- 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 subject dairy is enrolled under the Waste Discharge Requirements Lone Oak Dairy #2, Order R5-2008-0001, which is associated with a monitoring and reporting program. The Central Valley Regional Water Quality Control Board is responsible for monitoring the quality of water produced by this dairy. With the required updates to technical reports required by the Digester Order, this project will be in compliance with the Water Boards' standards and will not violate any water quality standards.

The project site is not located in an area of water shortage and a percentage of the water used in cleaning the stalls will be recovered as effluent that will be applied to the fields, further reducing impacts to the groundwater supplies and recharge.

- 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: NO IMPACT:

The project site is not located in an area of special flood hazard; however, all development in the County of Fresno which involves grading is required to obtain a grading permit or voucher. Compliance to the provisions in the permit or voucher will ensure that excessive flooding and erosion do not occur.

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

FINDING: NO IMPACT:

Approval of this project will not degrade water quality. Wastewater will be applied to field crops after it is processed through the digester. Without approval of the project, the waste water would be applied without any additional processing, consistent with the

nutrient management plan approved by the Regional Water Quality Control Board. Some fresh water may be mixed with the effluent to ensure that the mixture is appropriate for application to the field crops.

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

FINDING: NO IMPACT:

The project site is not located within a 100-year floodplain according to FEMA FIRM Panel No. 06019C2575H.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area at risk of inundation as a result of dam failure; however, the proposed buildings must comply with the Fresno County Ordinance Title 15, Chapter 15.48 Flood Hazard Areas, which require the implementation of flood protection and grading limitations to reduce the risk of damage due to flood. Compliance to these regulations will reduce risks to person or structures as a result of levee or dam failure to less than significant.

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

FINDING: NO IMPACT:

The project site is not located near a body of water that would be subject to seiche; is not located in an area of steep slopes that could cause mudflow; and is not located near to the coast where there is a risk of tsunami. Therefore, there will be no impacts to the risk of inundation by seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The scope of this project is limited to the two parcels which are currently in operation as Lone Oaks Dairy #2. There are no established communities in the area and the improvements are proposed to be built adjacent to the existing dairy. Therefore, approval of this project does not have the potential to divide an established community.

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

FINDING: NO IMPACT:

The proposed use is allowed in the County of Fresno with the approval of a Classified Conditional Use Permit, which will be reviewed by the Planning Commission concurrently with this Initial Study.

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

FINDING: NO IMPACT:

There are no Habitat Conservation Plans or Natural Community Conservation Plans in the vicinity of the project.

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:

According to Figure 7-7(FCGPBR), the project site is not located at an area designated for Mineral Resource Recovery.

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: LESS THAN SIGNIFICANT IMPACT:

Some noise may be produced by the generator; however, the nearest sensitive receptor would be located approximately one half-mile from the house for the engine. Therefore, due to the project's distance from sensitive receptors, there will be no increase in the exposure of persons to severe or adverse noise levels or ground borne noise or vibration. Additionally, the proposed design which requires that the engine be built inside a new building will further attenuate noise impacts.

- 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 in the vicinity of an airport or airstrip.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly?

FINDING: NO IMPACT:

Approval of this project would allow the increase in herd size at this dairy and would allow methane produced by the manure of cows to power the generation of electricity which would be sold to PG&E. This will not induce substantial population growth because it will not create a significant number of new job opportunities or otherwise increase the desirability of living in this area. While approval of this project is likely to reduce adverse odors in the area by capturing and burning a portion of the methane produced by manure, it is not likely to remove all adverse odors and this area will remain unlikely to attract new residents. The historical use of the surrounding parcels for large-scale agricultural production is likely to continue.

- 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:

No housing will be displaced as a result of this project. This project similarly will not displace substantial numbers of people. It will be developed on areas of farmland that were previously dedicated to agricultural production.

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;
 - 2. Police protection;
 - 3. Schools;

4. Parks?

FINDING: NO IMPACT:

This project will not increase the need for public facilities associated with fire or police protection. As this project will not lead to population growth, there will be no impacts on schools or parks. The layout for this project will be reviewed by the Fresno County Fire Protection District to ensure compliance with California Code of Regulations Title 24 – Fire Code.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The electricity proposed to be generated by the operation of the dairy will be sold to PG&E and will therefore lead to a small physical alteration in PG&E's connections; a new tie-in location will be prepared to accommodate the project. This will not create a significant impact because the improvements will be made at the project site and will serve to reduce PG&E's reliance on non-renewable energy.

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:

This project will not increase the use of existing neighborhood and regional parks. There are no such facilities in the vicinity of the project and the request to expand the existing dairy and add a digester to convert methane into electricity will not result in population expansion.

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:

Operation of this facility requires less than 10 round trips per day by service and delivery vehicles. The addition of 1-2 trips per month for maintenance of the digester and related facilities will not conflict with any circulation plans or contribute to existing congestion of nearby County streets.

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

FINDING: NO IMPACT:

All parts of the proposal will be in compliance with the maximum height restrictions of the AE-20 Zone District and therefore will not conflict with air traffic which may exist nearby. There are no airports within two miles of the project site; however, the project site is located within military airspace. Review of the application by NAS Lemoore's Community Planning Officer determined that the project would have no negative impacts to flight operations.

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The project has been designed to provide access along private roads which exist on the project site. The existing buildings were constructed in straight rows and private dirt roads intersect at regular intervals. Therefore, there will be no increase in traffic hazards or inadequate emergency access as a result of this application.

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:

There are no plans, policies, or programs which relate to public transit, bicycle, or pedestrian facilities in this area. The surrounding development consists of large parcels which have been planted with row crops or support dairies similar to the project site.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT:

The operation of dairies is regulated by the California Regional Water Quality Control Board (CRWQCB). The operator is required to conduct nutrient and groundwater monitoring to ensure that excessive pollutants are not released into the groundwater. The Nutrient Management Plan provided by the applicant discusses specific methods which must be used, such as Title 40 Code of Federal Regulations (CFR) Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants*. With compliance to existing regulations and oversight by the CRWQCB, this project will have no impact on existing wastewater treatment requirements.

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

This project will not require construction or expansion of new water or wastewater treatment facilities. The inclusion of the digester will add an additional step between collection of manure from the herd and application of the wastewater to the surrounding fields. Wastewater is not exported to any offsite system for processing. It is retained on site and used for irrigation, typically after being diluted with fresh water. The project site is not in an area that is known to be short of water, so there are no concerns that the limited increase in use will result in the need to obtain additional water entitlements.

- F. Would the project be served by a landfill with sufficient permitted capacity?

FINDING: NO IMPACT:

This project will continue to be served by Mid Valley Disposal, which has sufficient capacity. During construction of the project, additional materials may be submitted to the landfill; however, said increase will not be in excess of Mid Valley Disposal's operational limits. During operation there will be a negligible increase in the amount of waste which will be submitted to the landfill.

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Upon completion of construction, the applicant will be required to submit technical reports to the Central Valley Regional Water Quality Control Board. These submissions are required by Provisions in Section E of the Digester Order. The operation will also be required to obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division, acting as the Local Enforcement Agency . The need to comply with the Digester Order and other regulations enforced by the Water Quality Control Board will ensure that there is no adverse impact regarding noncompliance with statutes and regulations related to solid waste.

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 WITH MITIGATION INCORPORATED:

Flood-irrigated agricultural land provides nesting habitat for tri-colored blackbird and take could occur if construction takes place during the nesting season. Therefore, the Mitigation Measures noted in Section IV.A will be implemented, requiring preconstruction surveys and avoidance measures if construction occurs during the nesting season. In addition, it is unlikely but possible that previously undiscovered subsurface paleontological or Native American resources are present in the proposed area of development. Implementation of the mitigation measure in Section V, which describes avoidance and reporting requirements, will ensure that impacts are less than significant.

* **Mitigation Measures**

1. See Section IV.A.

2. See Section V.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions of criteria pollutants from this project will be consistent with the State Implementation Plan administered by the San Joaquin Valley Air Pollution Control District. The proposed improvements do not represent a substantial increase in the size of the dairy and will not result in adverse cumulative aesthetic or odor impacts. The proposed digester will capture some of the methane that is currently released into the air by the natural decomposition of manure and will convert it into electricity. Said power will be sold to PG&E, providing a source of renewable energy.

- 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 improvements will generally decrease the odor in the area of the project site and will contribute renewable energy to the grid where it will be transferred to PG&E customers.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3584, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation. Potential impacts related to Air Quality, Geology and Soils, Greenhouse Gases, Hazard and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Biological Resources and Cultural Resources have determined to be less than significant with compliance with noted 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" Street, Fresno, California.

CMM

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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	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): Chrissy Monfette Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Innovative Ag. Services, LLC	Project Title: Lone Oaks Dairy #2; Initial Study No. 7338 and Classified Conditional Use Permit No. 3584		
Project Description: Allow the addition of three corrals, a new 100-stall milk barn, 900 additional heifers with no addition to the milking numbers, a new covered lagoon manure digester and a biogas engine generator set with supporting equipment on two parcels totaling 159 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the southeast side of S. McMullin Grade, between S. Madera Avenue and S. Goldenrod Avenue, approximately 6.6 miles east of the City of San Joaquin (10014 S. McMullin Grade) (Sup. Dist. 4) (APN 035-100-22S and 035-100-23S).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3584, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation. Potential impacts related to Air Quality, Geology and Soils, Greenhouse Gases, Hazard and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Biological Resources and Cultural Resources have determined to be less than significant with compliance with noted Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – November 30, 2018		Review Date Deadline: Planning Commission – January 10, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**