



Inter Office Memo

DATE: May 20, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12882 - INITIAL STUDY NO. 7872 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3679

APPLICANT: WTE Riverdale, LLC.

OWNER: Stephen Maddox

REQUEST: Allow construction of a dairy digester facility and allow connection to an existing pipeline to deliver renewable natural gas. The dairy digester facility will be located on a 613.07-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The pipeline will span approximately 2 miles west of the dairy digester facility to connect with an existing California Energy Exchange pipeline.

LOCATION: The project site is located on the north side of W. Kamm Avenue and is approximately 2.01 miles west of its nearest intersection with S. Jameson Avenue and is approximately 8 miles southeast of the City of San Joaquin (12840 W. Kamm Avenue, Helm, CA) (APN 041-060-60S, 041-060-23S, 040-090-05S) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of May 20, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Ede to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study 7872, adopt the required Findings of Fact and approve Unclassified Conditional Use Permit No. 3679, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study No. 7872
Unclassified Conditional Use Permit Application No. 3679

Staff: The Fresno County Planning Commission considered the Staff Report dated May 20, 2021 and heard a summary presentation by staff.

Applicant: The Applicant’s representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The proposed digester facility will serve the existing adjacent dairies to the south and southeast.

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

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

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Mitigation Monitoring and Reporting Program
Initial Study No. 7872
Unclassified Conditional Use Permit Application No. 3679
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal 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.
3.	Hydrology and Water Quality	The subject Maddox Dairy facility is currently regulated under the Central Valley Regional Water Quality Control Board adopted Waste Discharge (WDR) for Maddox Dairy LTD et.al, Order No. R5-2008-003. Per the Provision E.3 of the WDR Order R5 2008-003, the discharger (Dairy owner/Operator) shall submit a complete Report of Waste Discharge in accordance with the CWC 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge including an expansion of the facility, addition of waste storage facilities or equipment, closure of the facility, or development of any new treatment technology. The operational statement provided for the project indicates that a different digester treatment technology to be developed than the technology in the WDR Order R5-2008-003. Due to this change in treatment technology, the Discharger shall submit Report of Waste Discharge in accordance with Provision E.3 of the WDR Order R5-2008-003.	Applicant	Applicant/Central Valley Regional Water Quality Control Board/PW&P	Prior to ground-disturbing activities

Conditions of Approval	
1.	<p>Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement as approved by the Planning Commission.</p> <p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.</p>
Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>The Site Plan Review Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • Parking stalls shall be constructed in compliance with the County and state standards. A minimum of 29 feet backup clearance and 18-foot by 9-foot stall size shall be provided for all parking stalls and clearly labeled in the site plan. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • A dust palliative shall be required on all parking and circulation areas. • All proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agricultural) Zone District. • No building or structure erected in the AE-20 District shall exceed 35 feet in height per Section 816.5-D of the Fresno County Zoning Ordinance.
2.	<p>The Building and Safety Section of the Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • If approved, permits and inspections are required for the construction of, or installation of, all related structures, electrical, mechanical, and plumbing facilities. • Permit applications will require detailed construction and site plans prepared by a properly licensed design professional.
3.	<p>The Development Engineering Section of the Fresno County Department of Public Works and Planning provide the comments:</p> <ul style="list-style-type: none"> • According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Typically, any proposed work within or near a stream requires clearance from State Department of Fish and Wildlife. • Typically, any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into County road right-of-way, and must be retained on-site per County standards. • Typically, if the proposed development does not increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, according to the site plan, additional impervious surface appears to be created. Therefore, an Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. • Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board. • A grading permit or voucher is required for any grading proposed with this application. • Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the

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site to enter the arterial road in a forward motion, so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

- Typically, any proposed or existing driveway should be set back a minimum of 10 feet from the property line.
- Typically, for unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
- Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
- If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any proposed or existing driveway accessing Kamm Avenue.

4. The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning provide the following comments:

- Any new improvement shall be setback from the ultimate road right-of-way for Kamm Avenue.
- Any improvements constructed within the street right-of-way will require the Applicant obtain an encroachment permit from the Road Maintenance and Operations Division.

5. The Department of Public Health, Environmental Health Division provide the following comments:

- The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance.
- Within 30 days of the occurrence of any of the following events, the Applicant/Operators shall update their online Hazardous Materials Business Plan and site map:
 - There is a 100% or more increase in the quantities of a previously disclosed material;
 - The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.
- The business shall certify that a review of the business plan has been conducted at least once very year and that any necessary changes were made and that the changes were submitted to the local agency.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous waste.
- If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).
- The land application rates of liquid from digester and solid waste from the digester shall be applied in accordance to the approval and water quality standards enforced by the Central Valley Water Quality Control Board (RWQCB).
- The operational statement provided with the application indicates that the separated solids from the anaerobic digester may be utilized for composting, or a dewatered cake for land application. 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 form the County of Fresno, Environmental Health Division acting as the Local Enforcement Agency (LEA).

6. The Fresno County Fire Protection District provide the following comments:

- The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving FCFPD conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to the FCFPD.
- Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD.

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- Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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