



# County of Fresno

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

February 22, 2019

Innovative Ag Services, LLC  
1201 Delta View Road #5  
Hanford CA 93230

Dear Applicant:

Subject: Resolution No. 12755 - Initial Study Application No. 7338 and Classified  
Conditional Use Permit Application No. 3584

On January 24, 2019, the Fresno County Planning Commission approved your Classified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at [cmonfette@fresnocountyca.gov](mailto:cmonfette@fresnocountyca.gov) or 559-600-4245.

Sincerely,

Chrissy Monfette, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: January 24, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12755 - INITIAL STUDY APPLICATION NO. 7338 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3584

APPLICANT: Innovative Ag Services, LLC

OWNER: Bernard & Rebecca te Velde

REQUEST: 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).

### PLANNING COMMISSION ACTION:

At its hearing of January 24, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Burgess to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3584, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12755

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Chatha, Burgess, Abrahamian, Eubanks, Hill, Lawson and Vallis
	No:	None
	Absent:	Commissioners Delahay and Ede
	Abstain:	None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services and Capital Projects Division

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7338  
Classified Conditional Use Permit Application No. 3584

Staff: The Fresno County Planning Commission considered the Staff Report dated January 24, 2019, 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 improvements are intended to increase efficiency; the new milk barn will reduce cost and labor.
- We are proposing to add 900 young heifers to the herd to replace older animals.
- The digester will produce another stream of income for the facility to help maximize its efficiency.
- The addition of the digester will have no impact on the ground application permit or the amount of milking cows on site.

Others: One individual spoke in favor of the application, representing Maas Energy, the developers of the digester. 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 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"> <li>a. Where construction occurs outside the normal bird breeding season (February 1 through September 15), no further mitigation is necessary.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P) in consultation with CDFW	February 1 through September 15

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
<b>Conditions of Approval</b>				
2.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.			
1.	Prior to the issuance of building permits, 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 required Conditions for the project.				
<b>Notes</b>				
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>				
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"> <li>– Regulation VIII (Fugitive PM 10 Prohibitions),</li> <li>– Rule 4102 (Nuisance)</li> <li>– Rule 4601 (Architectural Coatings)</li> <li>– Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)</li> <li>– Rule 4002 (National Emission Standards for Hazardous Air Pollutants)</li> <li>– Rule 4550 (Conservation and Management Practices)</li> <li>– Rule 4570 (Confined Animal Facilities)</li> </ul>				

**Notes**

4.	<p>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.</p>
5.	<p>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.</p>
6.	<p>Any additional runoff generated by the proposed developed of this site should be retained on site.</p>
7.	<p>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.</p>
8.	<p>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.</p>
9.	<p>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.</p>
10.	<p>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 contact Solid Waste staff at (559) 600-3271 for more information.</p>
11.	<p>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.</p>