



County of Fresno

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

June 4, 2018

Patrick Maddox
3899 W. Davis Avenue
Riverdale CA 93656

Dear Applicant:

Subject: Resolution No. 12710 - Initial Study Application No. 7325 and Classified
Conditional Use Permit Application No. 3582

On April 12, 2018, 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 eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: April 12, 2018
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12710 - INITIAL STUDY APPLICATION NO. 7325 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3582

APPLICANT/
OWNER:

Patrick Maddox

REQUEST:

Allow the expansion of an existing dairy to include an increase in animal units, new structural improvements and a new anaerobic digester with related power generation facilities on an approximately 84.3-acre portion of a 346.79-acre parcel and an 11.3-acre portion of a 240-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The project site is located on southeast corner of W. Davis and S. Chateau-Fresno Avenues approximately 2.6 miles southeast of the unincorporated community of Burrel (7285 W. Davis Ave., Riverdale CA) (SUP. DIST. 4) (APN 053-050-52S; 053-180-07S).

PLANNING COMMISSION ACTION:

At its hearing of April 12, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

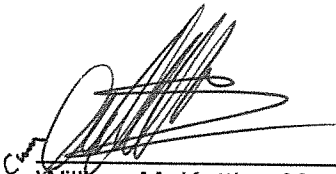
A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Classified Conditional Use Permit Application No. 3582, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12710

This motion passed on the following vote:

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

WMK:ksn
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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. 7325
Classified Conditional Use Permit Application No. 3582

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 12, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant and his representative concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:
- The current dairy operation started sixty (60) years ago, and the last improvements to the dairy were made in 1975.
 - The project will make the dairy operation more efficient and environmentally friendly and the new milk barn will use innovative technology to reduce the amount of water used by the facility
 - The project will have no impact on groundwater quality; the proposed lagoon will be double-lined and constructed according to the California Code of Regulations, Title 27.
 - We will reuse water from the dairy operation to irrigate crops, which produce feed for the cows.
 - The proposed digester will capture methane from the dairy operation and convert it into electricity for sale to the grid.
 - The project has gone through a substantial air quality analysis and will have a less than significant impact on air quality per the Air District.
- Others: No other individuals presented information in support of the application.
- One individual representing the Leadership Counsel for Justice and Accountability provided information in opposition to the application, stating that the project needs deeper analysis to determine nitrate impacts to groundwater quality, groundwater depletion impacts to the nearby communities of Lanare and Burrel, and ammonia emission impacts on the environment from the proposed dairy digester.
- 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. 7325/Classified Conditional Use Permit Application No. 3582
(Including Conditions of Approval and Project Notes)

Mitigation Measure					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Biological Resources	A qualified wildlife biologist shall conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. If project activities take place during the normal bird breeding season (February 1 through September 15), additional pre-construction surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of construction.	Applicant	Applicant/California Department of Fish and Wildlife (CDFW)	As noted
3.	Biological Resources	To avoid potential impacts to nesting Swainson's hawk (SWHA), project construction shall occur outside of the normal bird nesting season (February 1 through September 15). If construction must take place during the nesting season and an active SWHA nest is found during pre-construction surveys, a minimum one half-mile no-disturbance buffer shall be established around the nest until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Applicant	Applicant/CDFW	As noted
4.	Biological Resources	If the one half-mile no-disturbance nest buffer is not feasible, consultation with the California Department of Fish and Wildlife is warranted to determine if the project can avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP) for Swainson's hawk is necessary to comply with the California Endangered Species Act (CESA).	Applicant	Applicant/CDFW	As noted
5.	Biological Resources	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	Applicant	Applicant/CDFW	As noted

EXHIBIT B

		nesting tricolored blackbird (TRBL) no more than 10 days prior to the start of project implementation.			
6.	Biological Resources	If an active tricolored blackbird (TRBL) nesting colony is found during pre-construction surveys, a minimum 300-foot no-disturbance buffer shall be established in accordance with the California Department of Fish and Wildlife (CDFW) " <i>Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015</i> " (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 area should be reassessed to determine the extent of the breeding colony before conducting construction activities.	Applicant	Applicant/CDFW	As noted
7.	Biological Resources	If the 300-foot no-disturbance nest buffer is not feasible, consultation with the California Department of Fish and Wildlife is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit for tricolored blackbird is necessary to comply with the California Endangered Species Act.	Applicant	Applicant/CDFW	As noted
8.	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	As noted
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan 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.	A Notice of Non-Renewal for a 0.38-acre portion of a 240-acre parcel (APN 053-180-07S) restricted by Farmland Security Zone Contract No. FSZ04-00042 shall be recorded with the County Recorder's office. The Notice shall be recorded prior to the issuance of building permits for the use.
4.	For unpaved or gravel surface access roads, the first 100 feet off the edge of the road right-of-way shall be graded and asphalt concreted paved or treated with dust palliative.
5.	Any oil and gas well discovered during project development shall be abandoned in consultation with and per the requirements of the California Department of Conservation, Division of Oil, Gas and Geothermal Resources.

*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.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires compliance with the following:</p> <ul style="list-style-type: none"> • District Regulation VIII (Fugitive PM10 Prohibitions) • 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) in the event an existing building will be renovated, partially demolished or removed • Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials • Rule 4550 (Conservation Management Practices) limits fugitive dust emissions from agricultural operation sites • Rule 4570 (Confined Animal Facilities) applies to dairies with greater than or equal to 500 milk cows and requires filing of an application with the Air District • District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) requiring filing of District permits • Filing of Authority to Construct (ATC) application
4.	<p>To address site development impacts, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan when moving more than 1,000 cubic yards of material and relocating Reid Irrigation Ditch • A Grading Permit or Voucher for any grading proposed with this application • On-site retention of any additional runoff generated by the proposed development per County Standards

Notes

5.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none">• 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, Environmental Health Division acting as the Local Enforcement Agency (LEA).• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
6.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project development shall also annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.</p>

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