



County of Fresno

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

March 27, 2018

Warren Hutchings
1201 Delta View Road #5
Hanford CA 93230

Dear Applicant:

Subject: Resolution No. 12689 - Initial Study Application No. 7353 and Classified
Conditional Use Permit Application No. 3590

On January 25, 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: January 25, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12689 - INITIAL STUDY APPLICATION NO. 7353 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3590

APPLICANT: Warren Hutchings

OWNER: Eric & Katelyn te Velde

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

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

PLANNING COMMISSION ACTION:

At its hearing of January 25, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

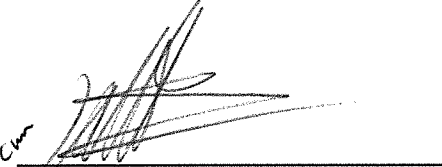
A motion was made by Commissioner Abrahamian and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Classified Conditional Use Permit Application No. 3590, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12689

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Chatha, Borba, Delahay, Ede, Lawson, Vallis and Woolf
	No:	None
	Absent:	Commissioner Eubanks
	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. 7353
Classified Conditional Use Permit Application No. 3590

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 25, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The subject application was required due to the proposed addition of 700 hundred milk cows and a second gas engine on the subject dairy site, which will maximize the as-built capacity for the existing dairy.
 - The digester produces more methane gas than we anticipated; the excess methane is currently going into the atmosphere.
 - The existing on-site digester is currently operational; the second engine will be placed inside an existing building and will capture excess methane to produce electricity for the dairy operation and the power grid.
- Others: One individual representing the Applicant presented information in support of the application, stating that State Senate Bill (SB) 1122 allows digesters to produce electricity on dairy sites for sale to utility companies; digesters reduce methane emissions; in terms of emission impact, one cow that contributes to a digester is equivalent to taking one car off the road.
- No individuals presented information 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. 7353/Classified Conditional Use Permit Application No. 3590
(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*	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted	
3*	Hydrology and Water Quality	Pursuant to provision G.4 of the reissued General Order (R5-2013-0122), prior to starting discharge associated with the dairy expansion, the project proponent shall submit a Report of Waste Discharge (RWD) with the Central Valley Regional Water Quality Control Board.	Applicant	Applicant/Regional Water Quality Control Board	As noted	
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.	A Notice of Non-Renewal for a 7.65-acre portion of the property restricted by Williamson Act Contract No. 1521 shall be recorded with the County Recorder's office. The Notice shall be recorded prior to the issuance of building permits for the use.					

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference 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 the concrete slab for the engine and a plumbing and electrical permit for the gas engine installation. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires adherence to 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 • Prior to start of the project operation, the Applicant shall contact the District's Small Business Assistance Office to determine if the project will require an Authority to Construct (ATC) application
4.	Prior to production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the Fresno County Department of Public Health, Environmental Health Division, acting as the Local Enforcement Agency (LEA).
5.	Any future development on the property shall comply with the requirements of the current Fire Code and Building Code and be subject to annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.