



## Inter Office Memo

---

DATE: December 14, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12682 - INITIAL STUDY APPLICATION NO. 7286 and  
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3574

APPLICANT: CH4 Power

OWNER: John Verwey

REQUEST: Allow an anaerobic digester to collect methane (biogas) from an existing dairy operation in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and use methane to fuel an electrical power generator to produce renewable electrical power. Generated electricity will be used both for the dairy operation and to be sold to the power grid.

LOCATION: The subject property is located on the south side of Floral Avenue approximately 2,642 feet west of its intersection with S. Jameson Avenue and 5.2 miles northeast of the unincorporated community of Helm (11883 W. Floral Avenue, Fresno) (Sup. Dist. 4) (APN 041-030-20S, 47S & 48S).

### PLANNING COMMISSION ACTION:

At its hearing of December 14, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Eubanks 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. 3574, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Eubanks, Borba, Chatha, Delahay, Ede, Lawson and Woolf
	No:	None
	Absent:	Commissioner Vallis
	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  
 G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3574\RESOLUTION\CUP3574 Reso.docx

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. 7286  
Classified Conditional Use Permit Application No. 3574

Staff: The Fresno County Planning Commission considered the Staff Report dated December 14, 2017, 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 project entails collection of methane gas from cow manure at an existing dairy and converting it into renewable energy.
- From the existing on-site manure separator, manure is currently placed on agricultural fields as compost.
- As part of the subject proposal, manure will pass through a sealed chamber for methane gas to be captured and piped into a mechanical room to produce electricity. The processed manure will then be used as a bedding for cows and subsequently as compost.
- The digester will reduce odor from the manure, and dairies close to urban areas in other states are also installing digesters to reduce odor.
- We have fully complied with Air District requirements for the project.

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

One individual representing the Leadership Counsel for Justice and Accountability presented information in opposition to the application, stating the project will have a cumulative impact on air quality and will increase nitrous oxide and ammonia released into the air, which are precursors to ozone and PM2.5, and which are the main offenders for bad air quality in the Central Valley.

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

EJ:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3574\RESOLUTION\CUP3574 Reso.docx

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7286/Classified Conditional Use Permit Application No. 3574**  
**(Including Conditions of Approval and Project Notes)**

EXHIBIT B

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
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the 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.	All parking and circulation areas shall be provided with dust palliative to minimize the dust creation by vehicles.				
4.	The Applicant shall prepare an Over and Across Agreement to permit access, equipment, conduit, etc. crossing from one parcel to another from APN 041-030-20S to APN 041-030-48S. The agreement shall be reviewed and approved by the Development Services and Capital Projects Division of the Department of Public Works and Planning prior to the issuance of building permits.				
*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					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
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 proposed improvements. 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.	Any additional run-off generated by the proposed development of the site must be retained or disposed of per County Standards.				
4.	Grading Permit or Voucher shall be obtained for any grading proposed with this application.				

**Notes**

5.	<p>The project shall comply with the following requirements from the San Joaquin Valley Air Pollution Control District (Air District):</p> <ul style="list-style-type: none"> <li>• District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review)</li> <li>• Submit an Authority to Construct (ATC) application with the District prior to construction</li> <li>• District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed</li> </ul>
6.	<p>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).</p>
7.	<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>
8.	<p>Any proposed gate that provides initial access to the project site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</p>
9.	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</p>



# County of Fresno

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

February 26, 2018

CH4 Power  
145 N. N Street #A  
Tulare CA 95274

Dear Applicant:

Subject: Resolution No. 12682 - Initial Study Application No. 7286 and Classified  
Conditional Use Permit Application No. 3574

On December 14, 2017, 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

EJ:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3574\RESOLUTION\CUP3574 Reso.docx

Enclosure