

..title

Conduct a noticed public hearing to consider an Appeal by Gilbert & Carol Mandel of the Solano County Zoning Administrator’s approval of Use Permit Application No. U-20-05 of Ed Vega for a Fowl and Poultry Ranch - Large for breeding and sales of laying hens including construction of nine new buildings, located at 8444 Bulkley Road, 4.5 miles east of the City of Dixon in the Exclusive Agriculture (A-40) zoning district, APN 0111-070-070.

..body

Published Notice Required? Yes  X  No  \_\_\_   
Public Hearing Required? Yes  X  No  \_\_\_

**DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider an appeal of the Solano County Zoning Administrator’s approval of Use Permit Application No. U-20-05 of Ed Vega for a Large Poultry Ranch for breeding and sales of laying hens including construction of nine new buildings;
2. Deny the appeal and affirm the Solano County Zoning Administrator's decision approving Use Permit Application No. U-20-05.
3. Adopt a Resolution denying the Appeal and affirming the decision of the Zoning Administrator to approve Use Permit U-20-05, subject to the included conditions of approval, to allow construction and operation of a Large Poultry Ranch for the breeding and sales of laying hens, including construction of nine new buildings.

**SUMMARY:**

The Planning Commission is being asked to consider an appeal filed by Gilbert & Carol Mandel of the Solano County Zoning Administrator’s approval on December 16, 2021 of Use Permit Application No. U-20-05 of Ed Vega for a Large Poultry Ranch for breeding and sales of laying hens, including construction of nine new buildings.

The Planning Commission, upon completion of a public hearing on this matter, may choose one of the following options:

1. Affirm the Solano County Zoning Administrator’s approval, or
2. Affirm the Solano County Zoning Administrator’s approval with additions or revisions to the Conditions of Approval, or
3. Reverse the Solano County Zoning Administrator’s approval, or
4. Continue the public hearing in order to obtain additional information.

**BACKGROUND:**

Use permit application U-20-05 was submitted December 21, 2020, and following Planning Division staff review was routed to the Building & Safety, Environmental Health, and Public Works divisions, County Council’s office and Dixon Fire Protection district for review. On February 19, 2021, a letter was sent to the applicant requesting revisions to the project to meet the setbacks required by zoning, and requesting additional information regarding the use of the existing

buildings, traffic, maximum number of chickens on site, expected traffic, wastewater disposal and manure management (Attachment A).

On June 14, 2021, a response was submitted by the applicant addressing the requested revisions (Attachment B). The response included a letter from the California Department of Food and Agriculture stating that the proposed housing arrangement met all applicable housing requirements for the chickens kept on site as part of the operation (Attachment C). A letter was also provided from the Central Valley Regional Water Quality Control Board stating that the proposed facility would comply with the Poultry General Order (Attachment D).

On December 16, 2021, the Solano County Zoning Administrator conducted a noticed public hearing to consider U-20-05. Verbal and written comments were submitted both in support of the project (noting that the proposed facility will be operated in compliance with all applicable regulations and that such a business will be a benefit to Solano County) and in opposition to the project (with concerns such as noise, odor, manure disposal, and requesting further CEQA review) (Attachment E). The Zoning Administrator took action to approve U-20-05 per the staff recommendation.

On December 27, 2021, an appeal was filed (Attachment F) stating concerns with the CEQA review of the project, and concerns of groundwater, runoff and air pollution. The appeal states that the project should not be exempt from CEQA review due to expected impacts on the surrounding area including concerns that the well and septic system is not of sufficient capacity and will impact groundwater supplies, and the project will cause significant contamination to the air and ground water due to concerns with the disposal of manure, unhatched eggs and deceased chickens.

The proposed conditions of approval address these issues by imposing requirements for submittal of a manure management plan, stormwater management plan and a pollution prevention plan prior to operation, and for annual submittal of an overall management plan for the facility to the Agricultural Commissioner's office.

### **ENVIRONMENTAL REVIEW:**

The subject parcel is located in an area with Exclusive Agriculture (A-40) zoning and a General Plan designation of Agriculture; both of which are consistent with commercial agricultural uses. Review of this project has resulted in a determination that the agricultural nature of the project site, proximity to surrounding parcels, and the county and state regulations will allow the proposed business to operate with little to no impact on existing conditions, therefore the project qualifies for a Class 3 Categorical Exemption CEQA Guidelines Section 15303 New Construction or Conversion of Small Structures, as a an accessory use of the property appurtenant to the allowed by right existing residential and agricultural use and development.

Review of similar projects in California determined that a project located in Waterford, CA involving expansion of an existing facility with construction of eight new buildings to increase the available space per bird (but not the number of birds) was exempt from CEQA requirements (Attachment G), and a project located in Ceres, CA involving an expansion of 1,830,000 birds required a Mitigated Negative Declaration, with mitigation requirements for air quality and cultural resources (Attachment H).

## **Use Permits and Appeals:**

The Use Permit process is intended to provide a more detailed review and analysis of proposed land uses that may be compatible with surrounding development, but may also require more site specific and project specific review to ensure compatibility, and that significant impacts are avoided. Actions on Use Permits are discretionary, and a public hearing is held by the Zoning Administrator or Planning Commission prior to taking action to approve or deny such an application.

Pursuant to Section 28.112 of the Zoning Regulations, the Planning Commission is to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of the Solano County Zoning Regulations, including decisions of the Zoning Administrator on applications for Use permits.

## **DISCUSSION:**

Per Section 28.21, Table 28.21A of the Solano County Code, a Fowl and Poultry Ranch – Large (1,001 birds or more) requires a Use Permit in the A-40 zoning district. Additional standards and requirements for this use are described in Sections 28.73.30(A) & (B)(2) of the Zoning Regulations (Attachment I).

On December 21, 2020, Ed Vega submitted a Use Permit application for a Large Poultry Ranch with up to 18,000 birds for purposes of breeding egg laying hens. A copy of the complete application is attached (Attachment J).

In the project narrative and additional information provided, the applicant states that the proposed poultry ranch is for the purpose of breeding egg laying hens. There will be two brooder houses to raise the hens used for breeding, seven buildings to house the mature laying hens, and a hatchery to incubate and hatch the chicks offered for sale. The eggs will be incubated for 21 days, at which point the chicks will be collected and delivered to customers.

The expected traffic generated will be an additional three vehicles per day entering and leaving the site during the week, and one per day on the weekends. Approximately 60 cubic yards of manure will be produced every two months, which will be removed from the chicken houses and either picked up by farmers for use off-site or transported to Recology Vacaville within 14 days, and deceased chickens will be disposed on an as-needed basis by the Sacramento Rendering Company.

## **General Plan Consistency:**

The 2008 General Plan designates the subject property as Exclusive Agriculture. The purpose of this designation is to provide areas primarily for commercial agricultural use. The description of uses included within the proposed use permit are fully consistent with the intent of the Exclusive Agriculture designation in the General Plan.

## **Zoning Consistency:**

The proposed use is conditionally permitted within the Exclusive Agriculture (A-40) zoning district. The purpose of the Exclusive Agriculture zoning district is to promote and preserve agriculture within Solano County. This is achieved by allowing commercial agriculture and incidental support

uses, while discouraging or excluding non-agricultural uses, and allowing residential uses to promote the viability of family farms. As proposed, this large poultry ranch is consistent with the intent of the zoning and general plan designations of the parcel and applicable zoning standards, and will not create a nuisance

### **Use Permit Considerations/Conditions:**

The proposed Large Poultry Ranch will be subject to Conditions of Approval (Attachment K) which includes requirements to prevent any nuisance to adjacent property owners, to revise or amend the permit prior to any significant changes or expansion, and that a management plan shall be submitted to the Agricultural Commissioner on an annual basis.

Furthermore, the Environmental Health Division of Resource Management will require that the applicant provide a manure management plan, and verification of compliance with the California Department of Food and Agriculture and Central Valley Regional Water Quality Control Board regulations.

The Building & Safety Division will require building permits for all proposed structures, including ADA compliance, fire sprinklers as required by code, and a geotechnical report.

The Public Works Division will require a commercial driveway, stormwater management plan, stormwater pollution prevention plan, encroachment permit and grading permit.

The Dixon Fire Protection District will require that the proposed buildings be permitted as agricultural buildings, that an address be assigned to the hatchery, and that all other buildings be clearly labeled with their building number.

### **OTHER AGENCY INVOLVEMENT:**

Application materials were submitted to other agencies as part of the consultation process. Their comments were considered in preparation of this report and the proposed conditions of approval.

### **RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission deny the appeal and affirm the Solano County Zoning Administrator's decision approving Use Permit Application No. U-20-05 for Ed Vega to permit a Fowl and Poultry Ranch - Large for breeding and sales of laying hens including construction of nine new buildings.

### **ATTACHMENTS**

[Attachment A – Letter requesting additional information](#)

[Attachment B – Response letter from applicant](#)

[Attachment C – Letter from CDFA](#)

[Attachment D – Letter from Central Valley RWCB](#)

[Attachment E – Responses to public notice](#)

[Attachment F – Appeal application](#)

[Attachment G – Examples of Projects exempt from CEQA](#)

[Attachment H – Project example Neg. Dec. required](#)

[Attachment I – Zoning Standards for use](#)

[Attachment J – Use Permit application package](#)  
[Attachment K – Draft Resolution / Conditions of Approval](#)  
[Attachment L – Additional information from Applicant](#)

TERRY SCHMIDTBAUER  
Director (Interim)

ALLAN CALDER  
Planning Services Manager

## DEPARTMENT OF RESOURCE MANAGEMENT



**SOLANO**  
**COUNTY**

675 Texas Street, Suite 5500  
Fairfield, CA 94533-6342  
(707) 784-6765  
Fax (707) 784-4805

[www.solanocounty.com](http://www.solanocounty.com)

February 19, 2021

Jorge E Vega-Zambrano  
8444 Bulkley Road .  
Dixon CA 95620

**Re: Land Use Permit Application U-20-05**

Dear Mr. Vega-Zambrano,

On December 21, 2020, this Department received your Land Use Permit application to establish a Large Poultry Ranch located at 8444 Bulkley Road (APNs 0111-070-070). The application proposes construction of new buildings to be used for breeding hens for egg laying to be sold. Following review of your application, the following items have been identified which require revisions or additional information to continue processing your application:

1. Per section 28.71.30(A)(1) of the Solano County Code, the required setback for all components of the business is 200 feet from all property lines. Please revise the site plan to locate all building at least 200 feet from the property lines.
2. Upgrade of the existing access to a commercial driveway will be necessary, please include this in the project description and on the site plan.
3. Please revise the site plan and project description to include the use of the existing buildings and whether they will be associated with the business including storage of equipment or feed. Please also include whether the manager of the business will occupy the existing dwelling, and if any of the business activities will take place within the dwelling.
4. Please add the expected amount of traffic (per day or per week) expected to be generated by the business.
5. Please include in the project description the expected maximum number of chickens on site at any time.
6. Please describe the intended locations for manure disposal, including any other parcels under the same ownership as the business location, and whether manure will be sold to the public. Please also state the expected amount of manure to be produced when the business is in operation.
7. Please provide verification from the California Department of Food and Agriculture that the proposed facility is in conformance with the 2018 Proposition 12 requirements, or that it is exempted from these requirements.
8. Please provide a manure management plan that indicates how the chicken litter and wastes will be managed, stored, and composted and/or land applied to prevent the generation of odors and prevent and reduce the attraction of disease vectors such as flies and rodents.
9. Please provide documentation from the Central Valley Waterboard that the proposed facility has a Waste Discharge Requirement approval, waiver, or is exempted from any similar requirements.
10. Please provide additional description of the anticipated amount of chicken litter /waste that will be generated, how or if the material will be composted, to what areas of the property this will be spread, and how much is anticipated to be given or sold to offsite farmers.

11. Please provide documentation that the proposed septic system will require either approval from the Central Valley Regional Water Quality Control Board for dispersal of high strength wastewater, or it shall provide verification that the wastewater is not high strength and can be permitted by Solano County.

Your Land Use permit application will be placed on hold pending submittal of these items. Please feel free to contact me at (707) 784-6765 or [tjkroger@solanocounty.com](mailto:tjkroger@solanocounty.com), should you have any comments or questions about this notice.

Sincerely,

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Travis Kroger

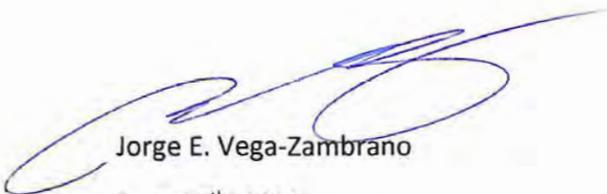
**REVISIONS/ADDITIONAL INFORMATION****Land Use Permit Application U-20-05****Owner-Applicant: Jorge E. Vega-Zambrano****Parcel: 0111-070-070, 8444 Bulkley Road, Dixon**

Please find the requested revisions and additional information below:

1. Find enclosed the revised Site Plan with the required 200 feet setback.
2. Note the proposed commercial, 24 feet wide, driveway on the revised Site Plan.
3. Find the enclosed Existing Structures detail diagram, those will not be associated with the business. No business activity will take place in the dwelling and manager will not occupy it.
4. Expected average amount of traffic will be three vehicles per day from Monday to Friday and one vehicle per day during the weekend.
5. The expected maximum number of chickens on site at any time will be 18,000
6. The manure generated in the chicken houses will not be stored at our site, all will be exported to be used by farmers, like Robben Ranch (707)678-9430, or to be composted by Recology Vacaville (707)448-2945. The expected manure to be produced would be around 60 cubic yards every two months.
7. Find enclosed e-mail from Elizabeth Cox MS, DVM, CA Dept. of Food and Agriculture (916)900-5115. Note that space allocation in our proposed operation is compliant with current Prop 12 requirements.
8. The chicken house is dry-cleaned using tractor, shovels, wheelbarrows and scrapers. The manure is taken out of the house by the tractor and then is either pick up by other farmers to spread them on their fields or taken to be composted at Recology Vacaville. The manure will never stay on the premises more than 14 days after is taken out of the chicken house.
9. Find letter from Daniel Gamon, senior Engineering Geologist, Regional Water Quality Control Board, stating that or proposed operation will be covered under the Poultry General Order and will be inspecting the site once construction is completed.
10. As stated in #6 the expected amount of manure will be around 60 cubic yards every two months and all will be exported to be spread in fields or composted, nothing will be stored on site. Also, the dead chickens will be disposed of by contracting with the Sacramento Rendering Company SRC (916)363-4821
11. Refer to the letter from Daniel Gamon, Central Valley WaterBoard, as our hatchery will be covered under The Poultry General Order, and will be inspected once construction is completed.

I have done my best to cover all requested information and hope my application will proceed and my Use Permit will be granted as soon as is feasible. Please let me know if you have any other questions.

Yours,



Jorge E. Vega-Zambrano

June 14<sup>th</sup>, 2021



From: Elizabeth@CDFA Cox <El... >

ATTACHMENT C

To: JORGE VEGA

Yesterday at 3:35 PM



**RE:**

Hi Jorge,

Thanks for your patience regarding this question.

1. Proposition 12 applies to egg-laying hens kept for the purposes of egg production destined for human consumption
  - a. Your production system is for fertile eggs, but if any of the eggs enter the human food supply, then Prop 12 applies
2. CDFA is not currently certifying any farms as Prop 12 compliant because this is not required by law
  - a. We are drafting regulations outlining a regulatory framework, but until regulations are formally adopted (most likely this summer) there are not additional certification requirements beyond what is written in Prop 12.
3. Your space allocation/hen is compliant with current Prop 12 requirements and also the cage-free space requirements beginning January 1, 2022.

I am happy to discuss on the phone with you as well.

Liz

**Elizabeth Cox MS, DVM**

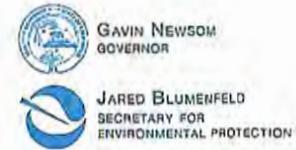
**Animal Care Program Manager**

Animal Health and Food Safety Services

California Department of Food and Agriculture

[\(916\)900-5115](tel:(916)900-5115)





## Central Valley Regional Water Quality Control Board

4 June 2021

Jorge E Vega-Zambrano  
8444 Bulkley Road  
Dixon, CA 95620

### **NOTICE OF INTENT FOR NEW POULTRY BREEDER OPERATION AT 8444 BULKLEY ROAD, DIXON, SOLANO COUNTY**

Central Valley Regional Water Quality Control Board staff received your Notice of Intent (NOI) for a new Poultry Breeding Operations that will be constructed at 8444 Bulkley Road in Dixon.

In your NOI and during our Microsoft Teams Meeting on 27 May 2021, you indicated that the proposed poultry operation will house a maximum of 18,000 breeder birds (layers) and an incubator with a maximum capacity of 90,000 chicks. There will not be a wastewater storage lagoon and all the manure generated in the birdhouse will be exported. Manure will not be stored at the site.

The hatched chicks will be shipped to various poultry facilities regulated by the poultry General Order within hours of hatching. Based on the information you provided, the facility will be covered under the [Poultry General Order](#).

After the construction is completed and when the operation begins, please notify the Regional Board staff, and staff will conduct an initial inspection of the site and will issue a Notice of Applicability.

If you have any questions, please contact Girma Getachew at 916-464-4851 or email: [girma.getachew@waterboards.ca.gov](mailto:girma.getachew@waterboards.ca.gov).

**Daniel Gamon**

Digitally signed by Daniel  
Gamon  
Date: 2021.06.03 17:11:07 -07'00'

Danny Gamon, PG, CHg  
Senior Engineering Geologist  
Chief, Confined Animals Facilities Unit  
Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670  
Office: 916-464-4724

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

From: [Melissa Hasson-Snell](#)  
To: [Planning](#)  
Subject: Poultry Housing of Hens  
Date: Saturday, December 4, 2021 2:24:08 PM

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I just heard about this from someone on Nextdoor and I would like more information about this proposed project. I find it hard to believe that a project of this kind has no effect on the environment. How can I find out more about this project.

Thanks  
Melissa Hasson-Snell

Sent from my iPad  
[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [lisa.blutman@aol.com](mailto:lisa.blutman@aol.com)  
To: [Planning](#)  
Subject: 9 acre poultry ranch  
Date: Saturday, December 4, 2021 7:32:13 PM

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I am opposed to having a 9 acre poultry ranch near the city limits of Dixon. Dixon is already low on good water, constantly wanting to increase the existing residents water and sewer fees. The increase in traffic around Dixon will be hazardous to the community.

Lisa Blutman  
710 Wiegand Way  
Dixon, CA. 95620

[Sent from the all new AOL app for Android](#)

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [daverivas](#)  
To: [Planning](#)  
Subject: Poultry Plant  
Date: Sunday, December 5, 2021 9:59:16 AM

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**Please provide further research and insight to the impact this proposed poultry plant will have on our community, before approving said plant.  
Thank you for your time.**

Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [PATRICIA LARSEN](#)  
To: [Planning](#)  
Subject: New Chicken farm on Buckley Rd  
Date: Sunday, December 5, 2021 10:59:30 AM

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Will this new fowl farm be a Humane Farming endeavor ? Cage Free ? Organic ? Open to public view/input ?

No one needs another Factory Farm. Cruel to animals and filthy for the environment.

Please consider all the above Before Approval.

Thank you.

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [Julie Lombard-Niese](#)  
To: [Planning Commission](#)  
Subject: Proposed poultry ranch on Bulkley Rd in unincorporated Dixon  
Date: Monday, December 6, 2021 4:24:00 PM

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Dear planning commission,

I strongly object to the poultry ranch that has been proposed for Bulkley Rd. in unincorporated Dixon. As a homeowner who lives down wind in the Davis area, I have concerns regarding how the air quality will be effected if this project moves forward.

Regards,

Julie Niese  
27191 Mace Blvd.  
Davis

Sent from my iPhone

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [Linda Sikes](#)  
To: [Planning](#)  
Subject: Public Hearing December 16, 2021 on Use Permit application no. U-20-05  
Date: Monday, December 13, 2021 12:51:07 PM

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Dear Solano County Zoning Administrator:

Regarding the possible establishment of a large poultry ranch for breeding and sales of laying hens at 8444 Bulkley Road, 4.5 miles east of the City of Dixon, I would like to ask two questions.

1. Will the facility be built so that the hens can freely range?
2. If not, will the facility be built so that the hens can live cage-free?

Thank you for considering my questions at the December 16, 2021 public hearing.

Sincerely,

Linda R. Sikes

Dixon, CA

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [Marsha Sampson](#)  
To: [Planning](#)  
Subject: Use permit U-20-05  
Date: Monday, December 13, 2021 3:07:49 PM

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I live in the rural area of Solano County because I enjoy the peace and quiet out here. My property is less than a quarter mile from the proposed project. I am concerned about increased traffic, potential air, noise and water pollution from a poultry breeding operation. How is this project exempt from the Environmental Quality Act?

Marsha Sampson  
8093 Maxwell Lane  
Dixon, CA 95620

Sent from my iPad

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [Culpepper, Amanda\(Mandy\)@Wildlife](mailto:Culpepper_Amanda(Mandy)@Wildlife)  
To: [Kroger, Travis J.](mailto:Kroger_Travis J.)  
Subject: RE: December 16, 2021 - Solano County Planning Commission and Zoning Administrator Agendas  
Date: Monday, December 13, 2021 5:22:28 PM

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Hi Travis,

Thank you again for the additional information.

As you mention that this Project has been determined exempt from CEQA, can you please identify which exemption Class will be/has been identified? Is this a categorical or a statutory exemption? Also, I'm curious about the review of other poultry ranch projects that concluded that only very large developments would have the potential for a significant effect on the environment—is there a published report or internal document you can share with me that shows this thought process?

Grazing and mowing does not necessarily preclude foraging habitat for Swainson's hawk or burrowing owls. Both species may prey upon invertebrates and small mammals that occur in agricultural fields such as this. In addition, because this site is fairly rural and building development is not a standard activity in the environment, the noise and increased human presence at the site could impact nesting birds near the site, and specifically nesting Swainson's hawks up to 0.5 miles from the site. Swainson's hawks have been documented to be particularly sensitive to nest disturbance and the development project could result in nest abandonment if Swainson's hawks are nesting nearby. Ultimately, this project would permanently remove foraging habitat for Swainson's hawk and burrowing owl and has the potential to disturb nesting Swainson's hawk and burrowing owls if the work occurs during the nesting season. As a reference, the draft Solano County Water Agency HCP identifies this area as Irrigated Agriculture and requires a 1:1 mitigation to impact ratio for impacts to Swainson's hawk foraging habitat and burrowing owl foraging habitat (see section 6, <https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/>).

I am happy to discuss my concerns with you further if you would like to set up a meeting.

Thanks,

Mandy

Amanda Culpepper ([she](#))  
Environmental Scientist | Marin & Solano Counties  
California Department of Fish and Wildlife  
(707) 428-2075 | [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov)  
2825 Cordelia Road, Suite 100, Fairfield, CA 94534

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CDFW is transitioning to the [Environmental Permit Information Management System \(EPIMS\)](#), an online system, for all Lake or Streambed Alteration (LSA) Notifications. **CDFW now *only* accepts Notifications through EPIMS.**

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**From:** Kroger, Travis J. <TJKroger@SolanoCounty.com>  
**Sent:** Monday, December 13, 2021 4:05 PM  
**To:** Culpepper, Amanda(Mandy)@Wildlife <Amanda.Culpepper@Wildlife.ca.gov>  
**Subject:** RE: December 16, 2021 - Solano County Planning Commission and Zoning Administrator Agendas

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello,

The area where the construction will take place has been used for grazing for years and mowed regularly, and the project will include minimal disturbance at most to the existing trees. It was determined to be exempt from CEQA review based on the proposed size and location of the project, and review of other poultry ranch projects in the state found that only far larger (15x larger or more) projects required a MND and even then required only minimal mitigation. Hopefully that helps, please let me know if you have any more questions.

Thanks,

Travis Kroger  
Assistant Planner

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**From:** Culpepper, Amanda(Mandy)@Wildlife <[Amanda.Culpepper@Wildlife.ca.gov](mailto:Amanda.Culpepper@Wildlife.ca.gov)>  
**Sent:** Thursday, December 9, 2021 2:06 PM  
**To:** Kroger, Travis J. <[TJKroger@SolanoCounty.com](mailto:TJKroger@SolanoCounty.com)>  
**Subject:** RE: December 16, 2021 - Solano County Planning Commission and Zoning Administrator Agendas

Hi Travis,

Thank you so much for getting back to me so quickly!

Did U-20-05 undergo a CEQA analysis? I'm curious about any measures that may be included in the project to prevent impacts to burrowing owls and Swainson's hawks.

Thanks!

Mandy

Amanda Culpepper ([she](#))  
Environmental Scientist | Marin & Solano Counties  
California Department of Fish and Wildlife  
(707) 428-2075 | [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov)  
2825 Cordelia Road, Suite 100, Fairfield, CA 94534

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**From:** Kroger, Travis J. <[TJKroger@SolanoCounty.com](mailto:TJKroger@SolanoCounty.com)>  
**Sent:** Thursday, December 9, 2021 11:40 AM  
**To:** Culpepper, Amanda(Mandy)@Wildlife <[Amanda.Culpepper@Wildlife.ca.gov](mailto:Amanda.Culpepper@Wildlife.ca.gov)>  
**Subject:** RE: December 16, 2021 - Solano County Planning Commission and Zoning Administrator Agendas

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello,

I am the planner working on this project, I would be happy to provide any additional information or answer any questions you might have.

Thanks,

Travis Kroger  
Assistant Planner

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**From:** Culpepper, Amanda(Mandy)@Wildlife <[Amanda.Culpepper@Wildlife.ca.gov](mailto:Amanda.Culpepper@Wildlife.ca.gov)>  
**Sent:** Thursday, December 9, 2021 10:13 AM  
**To:** Richardson, Marianne <[MRichardson@SolanoCounty.com](mailto:MRichardson@SolanoCounty.com)>  
**Subject:** RE: December 16, 2021 - Solano County Planning Commission and Zoning Administrator Agendas

Hi Marianne,

I did a quick review of the agendas and I have some questions about the Zoning Administrator agenda item 3, Use Permit U-20-05. This project says that nine new buildings will be constructed, which is a fairly large project. There are sensitive species near the location, including Swainson's hawk, state listed as threatened, and burrowing owl, a species of special concern. Can you direct me to the planner for the project so that I can get a few more details from them?

Thank you,

Mandy

Amanda Culpepper ([she](#))

Environmental Scientist | Marin & Solano Counties  
California Department of Fish and Wildlife  
(707) 428-2075 | [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov)  
2825 Cordelia Road, Suite 100, Fairfield, CA 94534

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CDFW is transitioning to the [Environmental Permit Information Management System \(EPIMS\)](#), an online system, for all Lake or Streambed Alteration (LSA) Notifications. **CDFW now only accepts Notifications through EPIMS.**

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**From:** Richardson, Marianne <[MRichardson@SolanoCounty.com](mailto:MRichardson@SolanoCounty.com)>

**Sent:** Thursday, December 9, 2021 9:17 AM

**To:** Amanda <[amanda@hillmanlucas.com](mailto:amanda@hillmanlucas.com)>; Culpepper, Amanda(Mandy)@Wildlife <[Amanda.Culpepper@Wildlife.ca.gov](mailto:Amanda.Culpepper@Wildlife.ca.gov)>; [annak@selfstorageninjas.com](mailto:annak@selfstorageninjas.com); Jackson, Cathy (external) <[c.jackson@hilton.com](mailto:c.jackson@hilton.com)>; Chalk, Ryan L. <[RLChalk@SolanoCounty.com](mailto:RLChalk@SolanoCounty.com)>; Cook, Catherine M. <[CMCook@SolanoCounty.com](mailto:CMCook@SolanoCounty.com)>; Corsello, Birgitta E. <[BECorsello@SolanoCounty.com](mailto:BECorsello@SolanoCounty.com)>; Fidel <[fchavez@nccrc.org](mailto:fchavez@nccrc.org)>; Fish and Wildlife Service <[winnie\\_chan@fws.gov](mailto:winnie_chan@fws.gov)>; Hallett, Stephen L. <[SLHallett@SolanoCounty.com](mailto:SLHallett@SolanoCounty.com)>; Hannah Hughes <[hannah@lozeaudrury.com](mailto:hannah@lozeaudrury.com)>; Huston, Nancy L. <[NLHuston@SolanoCounty.com](mailto:NLHuston@SolanoCounty.com)>; Janet Laurain <[jlaurain@adamsbroadwell.com](mailto:jlaurain@adamsbroadwell.com)>; Philbrook, Jeff (external) <[jeffphilbrook@hotmail.com](mailto:jeffphilbrook@hotmail.com)>; Pierson, John (external) <[piersons@castles.com](mailto:piersons@castles.com)>; Smith, Kelly (external) <[ktsmith@thesmithfirm.com](mailto:ktsmith@thesmithfirm.com)>; Lisa Vorderbrueggen <[lvorderbrueggen@biabayarea.org](mailto:lvorderbrueggen@biabayarea.org)>; Mashburn, Mitch <[mhmashburn@gmail.com](mailto:mhmashburn@gmail.com)>; Michael Lozeau <[michael@lozeaudrury.com](mailto:michael@lozeaudrury.com)>; Moira Burke ([moiraburke1@gmail.com](mailto:moiraburke1@gmail.com)) <[moiraburke1@gmail.com](mailto:moiraburke1@gmail.com)>; N. CA Carpenters Council <[project.tracking@nccrc.org](mailto:project.tracking@nccrc.org)>; Osborne, Stacey <[stacey@lozeaudrury.com](mailto:stacey@lozeaudrury.com)>; Seeno Homes (external) <[dmason@seenohomes.com](mailto:dmason@seenohomes.com)>; Sheila McCabe <[barmac.farms@gmail.com](mailto:barmac.farms@gmail.com)>; Stacey Loew <[stacey@danadean.com](mailto:stacey@danadean.com)>; Steven Fawl Orderly Growth Committee <[sfawl@comcast.net](mailto:sfawl@comcast.net)>; Susan De Haven <[agavepress@gmail.com](mailto:agavepress@gmail.com)>; Estrada, Susan (external) <[SEstrada@seenohomes.com](mailto:SEstrada@seenohomes.com)>; Hansen, Todd (external) <[thansen@dailyrepublic.net](mailto:thansen@dailyrepublic.net)>; US Dept of Energy WAPA <[Nielson@WAPA.gov](mailto:Nielson@WAPA.gov)>; Wilson, Michael L. <[MLWilson@SolanoCounty.com](mailto:MLWilson@SolanoCounty.com)>; Winston, Alexandra <[AWinston@SolanoCounty.com](mailto:AWinston@SolanoCounty.com)>

**Subject:** December 16, 2021 - Solano County Planning Commission and Zoning Administrator Agendas

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning,

Please see the attached [Agendas](#) for the December 16, 2021 meetings of the **Solano County Planning Commission** and **Zoning Administrator**.

Thank you,

**Marianne Richardson**

Administrative Secretary

Solano County Department of Resource Management

675 Texas Street, Suite 5500  
Fairfield, CA 94533  
T: (707) 784-6765

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From: [Anne Reis](#)  
To: [Planning](#)  
Subject: 12.16.2021 Meeting Agenda Item: U-20-05 (Vega)  
Date: Wednesday, December 15, 2021 10:09:20 PM

---

To: Resource Management, Zoning Administrator

Attn: Travis Kroger, Project Planner

Subject: Meeting Agenda Item, U-20-05 (Vega)

We want to email our support of the Use Permit application **U-20-05 (Vega)** on your agenda to establish a Large Poultry Ranch for breeding and sales of laying hens including construction of 9 new buildings, located at 8444 Bulkley Road.

We support the approval of this permit for the following reasons:

- The proposed poultry breeding facility is clearly aligned with the Agriculture Zoning for this property. Support of Agriculture industries is critical to the continued success of our county and state's economy, as well as food production for our population.
- This agriculture enterprise is pivotal to the support of the California Poultry industry. Vega Farms not only produces and sells eggs through farmer's markets and retail grocery, but they also play a vital role in supporting Poultry and Egg Producers throughout California by providing high quality genetics for breeding and production stock. This is not corporate farming, it is a locally owned, family farm that fulfills this important link in the supply chain, allowing California poultry and egg production to purchase stock from a California based supplier, rather than purchase from out of state sources.
- The poultry breeding facility will not only provide additional jobs for Solano County, but will likely utilize and support other local agricultural industry enterprises such as feed, transportation, and operational suppliers.
- Conditions outlined in the permit require the applicant must maintain strict standards including adherence to stormwater management and pollution prevention plans.
- The proposal indicates all buildings and activities associated with the poultry ranch will be required to be set back at least 200 feet from all property lines to avoid interfering with the use of adjacent parcels.
- A manure management plan is required to be submitted to the Environmental Health division for review prior to operation of the facility and it will require manure to be removed from the site periodically to avoid accumulation and any nuisance such as odor or flies.
- An overall management plan will be submitted to the Ag Commissioner annually for review to avoid any nuisance created by operation of the facility and may require changes to the management practices of the facility to address any issues or complaints identified during the course of normal operations.
- As conditioned, the proposed Large Poultry Ranch use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.
- The permittee will be required to operate without creating offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
- The applicant will be required to submit and adhere to a plan for the management of the operation, with policies and procedures to insure that the Poultry Ranch operation does not become a nuisance to surrounding property owners or the community and that no

health and safety problems will arise due to its operation. This plan includes procedures that regulate, control or prohibit the accumulation of manure, prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people, and protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.

With all of the safeguards and requirements outlined in the permit application, any possible negative environmental impact will be negligible. We feel confident that this proposed poultry ranch will be an valued asset to Solano County, the local economy and to California Agriculture,

Respectfully,

Julio and Anne Reis

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From: [Gil](#)  
To: [Planning](#)  
Subject: Proposed poultry Ranch, permit U-20-05  
Date: Wednesday, December 15, 2021 10:30:37 PM

---

We wish to raise concerns about the following issues:

**Manure management.** The document says there will be a manure management plan required. We recommend that this be completed and reviewed prior to approval of the project. Removal of manure every 14 days seems excessively long. This may allow odor, flies and ground water contamination.

**Dust:** the project plans a gravel road for truck traffic on the project. We would recommend asphalt or concrete to minimize dust production.

**Water consumption:** Will the poultry project use an excessive amount of water, to be drawn from underground aquifers? This needs to be quantified prior to approval. What effect will the project have on the watershed?

**Contaminated water discharge:** This needs to be addressed prior to approval. Where is the water going to go? Will it contaminate the groundwater supply for the residents in the area? What type and how much water can the septic system handle? What antibiotics, pesticides and other chemicals will be used on the project?

**Noise:** There needs to be an assessment of the ambient noise level which will be generated by 18,000 birds.

In view of these many environmental issues, we recommend that a CEQA analysis be completed prior to consideration of this project. We disagree with the finding that the project will not have a significant effect on the environment.

Respectfully,

Carol and Gilbert Mandell  
8250 Maxwell Lane  
Dixon, Ca. 95620

[gmoncdoc@gmail.com](mailto:gmoncdoc@gmail.com)

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From: [Theresa Garcia](#)  
To: [Planning](#)  
Subject: Zoning-8444 Bulkley Road Dixon  
Date: Thursday, December 16, 2021 7:10:31 AM

---

Good morning,

I have a few questions regarding the Large Poultry Ranch proposed next door. There is currently one barn on the property and there has not been any issues, but with the expansion I have operational and infrastructural concerns, I hope will be addressed.

- 1) What sizes are the barns? Total square footage ? Will the barns be built at the same time? What is the time frame to build these barns?
- 2) What is the plan for additional power for these barns?
- 3) What is the plan for water? Will they be drilling a new well?
- 4) Will there be any additional sewer upgrades to handle the manure?
- 5) What is the plan for manure removal ? Will it be removed from the property or piled up?
- 6) How many large trucks(feed trucks,etc) are estimated to be at the ranch each day
- 7) How many workers will be traveling to the site each day?
- 8) What is the estimated additional traffic from workers and large trucks?
- 9) How many customers will visit the operation daily?
- 10) Will there be additional housing proposed?

I believe the project could have an impact with the additional traffic on an already busy road. The manure generated from a large poultry ranch. Plus the additional water requirements necessary for operation.

Thank you for addressing these issues and ensuring that the impact to the neighbors is limited.

Theresa Garcia

8412 Bulkley Road

650-703-8787 cell number



DEPARTMENT OF RESOURCE MANAGEMENT

Planning Services Division
675 Texas Street, Suite 5500, Fairfield, CA 94533
Phone (707) 784-6765 Fax (707) 784-4805
www.solanocounty.com

RECEIVED ATTACHMENT F

DEC 27 2021

COUNTY OF SOLANO RESOURCE MANAGEMENT

APPEAL REQUEST FORM

- 1. Name of Appellant: Gilbert and Carol Mandell Telephone: 707-678-0482
Email address: gmoncdoc@gmail.com
2. Mailing Address: 8250 Maxwell Lane City: Dixon State: Ca Zip: 95620
3. Appealed to: [X] Planning Commission [ ] Board of Supervisors
4. Appeal Fee: \$150.00 Receipt # 19993
5. State the application name and reason(s) why the decision making body erred in its decision. Attach additional sheets if necessary:

Please see attached letter

Appellants Signature: [Signature] Date: 12/26/2021

Gilbert and Carol Mandell  
8250 Maxwell Lane  
Dixon, Ca. 95620

December 26, 2021

Solano County Planning Commission  
675 Texas Street  
Suite 5500  
Fairfield, Ca. 94533

Re: Application U-20-05

Pursuant to Sections 28-63 and 28-112 of the Solano County Code, we request that you reverse the Zoning Administrator's approval of Land Use Permit U-20-05 for a Large Poultry Ranch. The Zoning Administrator Staff Report and draft Solano County Zoning Administrator Resolution for Land Use Permit U-20-05 state that the Large Poultry Ranch qualifies for categorical exemptions under the California Environmental Quality Act (CEQA) for new construction or conversion of small structures (14 Cal. Code Regs. 15303) and minor alterations to land (14 Cal. Code Regs. 15304(e)). It does not qualify for these exemptions. Even if it did qualify for one of these exemptions, it is subject to the cumulative impacts exception (14 Cal. Code Regs. 15300.2(b)) and significant effect exception (14 Cal. Code Regs. 15300(c)).

The following facts show that errors occurred in the approval of Land Use Permit U-20-05 for the Large Poultry Ranch:

1. Environmental analysis: The report states the project is exempt from environmental analysis based on CEQA guidelines section 15303, new construction or conversion of small structures.

"Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure."

Currently, the "subject site consists of one APN, currently developed with a primary dwelling, 4 small accessory structure and one larger accessory structure, none of which are proposed to be used for the poultry ranch." Land Use Permit U-20-05 proposes to add 9 new buildings with a square footage of approximately 55,680 square feet and 18,000 chickens. The proposed changes do not qualify as small facilities or structures.

The report also quotes CEQA guideline 15304(e):

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. U-20-05

There is no indication that the Large Poultry Ranch will be a temporary use of land. Also, the addition of 18,000 chickens is unlikely to meet section 15304(e)'s requirement that there be negligible or no permanent effects on the environment.

2. The draft Solano County Zoning Administrator Resolution 21-XX, which was part of the documentation for this project, recommends approval of this project with several findings:

"Adequate utilities, access roads, drainage are being provided." The well and septic system will likely be inappropriate for a facility this large. This facility will likely impact groundwater supplies. There is no indication of what will happen to manure that is not able to be removed from the facility.

The draft Resolution also states "[t]he subject use will not constitute a nuisance or be detrimental to the health, safety, etc of persons residing in the neighborhood." Without an initial study and negative declaration or environmental impact report, it is impossible to make this finding. Air quality, odor, dust, and toxin-laden dust, chemical and biological waste all will likely impact the neighborhood. A few examples of such wastes of concern are (ammonia (NH<sub>3</sub>), methane (CH<sub>4</sub>), nitrogen monoxide (N<sub>2</sub>O), hydrogen sulfide (H<sub>2</sub>S), carbon dioxide (CO<sub>2</sub>), carbon monoxide (CO), pathogenic bacteria (ex. Salmonella spp., E. coli), yeast, fungi (ex. Aspergillus spp.) and protozoa, volatile odorous compounds (VOCs) and particulates to only name a few. (Please note: this is not a complete list).

3. The project description states the breeding chickens will be transferred to seven laying houses for fertile eggs to be collected. The project does not say what happens to the non-fertile eggs, nor does it state how any dead chickens will be managed. It is unclear if they will be buried on site. If they are buried on site, it may impact groundwater quality. If the dead chickens are cremated or incinerated on site, this may significantly impact air quality. It is also unclear what will happen to runoff from any chemicals, antibiotics, pesticides, hormones, etc which may be administered in the course of the operation. It is also not clear how VOCs from fermenting and rotting litter and decomposing manure and urine will impact air, ground and water quality. At the very least, methane, ammonia, nitrogen dioxide, carbon dioxide, hydrogen sulfide may be emitted into the environment.

In summary, this project does not qualify for a CEQA exemption. Even if it does qualify for an exemption, it is subject to an exception. Full CEQA analysis should be completed for this project. There are too many unanswered questions about this proposal. We request that you reverse the Zoning Administrator's approval.

Respectfully submitted,

*Carol Mandell*

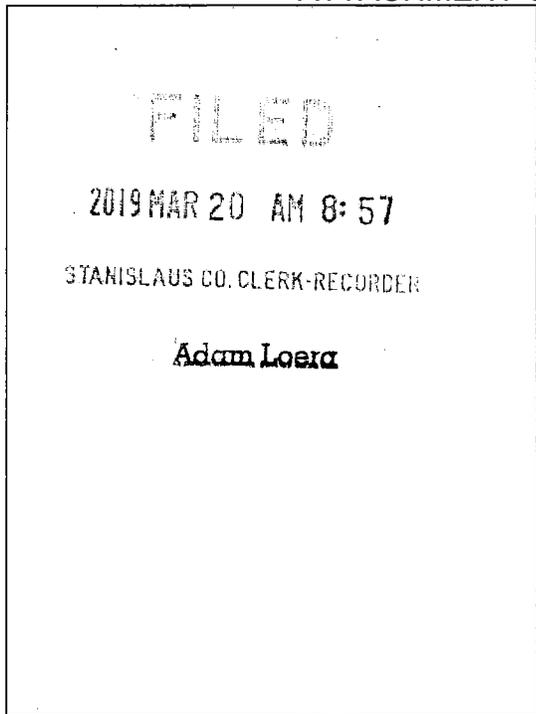
*Gilbert Mandell*

Carol and Gilbert Mandell

# Notice of Exemption

To: County Clerk/Recorder  
County of Stanislaus  
1021 "I" Street, Suite 101  
Modesto, CA 95354

From: San Joaquin Valley Unified Air Pollution Control District (SJVAPCD)  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
Stephanie Palmer  
559-230-6000



**Project Title:** Foster Farms - Sierra Vista Ranch  
(District project No. N-1181371)

**Project Location:** 12812 Claribel Road  
Waterford, CA 95386

**Project Lead Agency:** Stanislaus County Planning Department

**Name of Public Agency Approving Project:** SJVAPCD

**Name of Person or Agency Carrying Out Project:** SJVAPCD

**Name of Applicant:** Foster Farms - Sierra Vista Ranch

**Applicant Address:** 12812 Claribel Road  
Waterford, CA 95386

(For Stanislaus County Use Only)

**Description of Project:** Foster Farms - Sierra Vista Ranch requested an Authority to Construct (ATC) permit for the construction of eight new, naturally ventilated poultry shelters to its existing ranch for the purpose of raising the existing turkeys as "free-range." Each new shelter will have a capacity of 12,500 birds, for a total of 100,000 birds to be moved into the proposed new shelters. The ranch has a total capacity of 242,722 birds, and of these, 100,000 birds will be relocated from existing shelters on the ranch to the eight new shelters to allow more space for the birds to roam within the shelters. Therefore, with the addition of the new shelters, there will be no change in the facility-wide allowable number of birds at this ranch, which is 242,722 birds.

**Exempt Status: (Check one)**

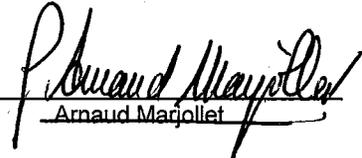
- Ministerial: §21080(b)(1); 15268
- Declared Emergency: §21080(b)(3); 15269(a)
- Emergency Project: §21080(b)(4); 15269(b)(c)
- Categorical Exemption:
- Statutory Exemptions:
- General Exemption: Section 15061(b)(3)

**Reasons Why Project is Exempt:**

The project is the construction of eight new, naturally ventilated poultry shelters added to an existing ranch, with each shelter having a capacity of 12,500 birds, for a total of 100,000 existing birds to be moved into the proposed new shelters. Because there will be no increase in the total number of birds, and based on the District's analysis showing that there will be no potentially significant emissions resulting from construction of the new shelters, District staff concludes that there is substantial evidence in the whole record before the District that the proposed project would not cause any adverse impacts on the environment. The District finds that the project is exempt per the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (CCR §15061(b)(3)).

**Lead Agency Contact Person:** Stephanie Palmer

**Area Code/Telephone:** (559) 230-6000

**Signature:**   
Arnaud Marjollet

**Title:** Director of Permit Services

**Date:** 03/13/19

Date received for filing by OPR: \_\_\_\_\_

~~Date removed from posting~~ 4/28/19



**San Joaquin Valley Unified  
Air Pollution Control District**

**Barnhart Ranch**

**Project Number N-1143814**

**Stanislaus County**

**Initial Study and Draft  
Mitigated Negative Declaration**

**July 2016**

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT  
GOVERNING BOARD 2016**

**CHAIR:** OLIVER L. BAINES III  
Councilmember, City of Fresno

**VICE CHAIR:** BUDDY MENDES  
Supervisor, Fresno County

**MEMBERS:**

DAVID AYERS  
Councilmember, City of Hanford

WILLIAM O'BRIEN  
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CRAIG PEDERSEN  
Supervisor, Kings County

JOHN CAPITMAN, PH.D  
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ALEXANDER C. SHERRIFFS, M.D.  
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Supervisor, Tulare County

HAROLD HANSON  
Councilmember, City of Bakersfield

***AIR POLLUTION CONTROL OFFICER:***

SEYED SADREDIN



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# INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

## Barnhart Ranch

**Project Number: N-1143814**

(July) 2016

**Lead Agency:** San Joaquin Valley Air Pollution Control District  
1990 East Gettysburg Avenue  
Fresno CA 93726-0244

**Agency CEQA Contact:** Mark Montelongo, Senior Air Quality Specialist  
Phone: (559) 230-6000  
Fax: (559) 230-6061

**Agency Permits Contact:** Jerry Sandhu, Supervising Air Quality Engineer  
Ramon Norman, Air Quality Engineer  
Phone: (559) 230-6000  
Fax: (559) 230-6061

**Document Prepared by:** Mark Montelongo, Senior Air Quality Specialist

**Agency Document Review:** Patia Siong, Supervising Air Quality Specialist  
Brian Clements, Program Manager

**Applicant  
and Location:** Barnhart Ranch  
10218 Lander Avenue  
Turlock, California

**Applicant Contact:** Michael Gemperle, Vice President  
Gemperle Family Farms  
Phone: (209) 667-2651



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## A. INTRODUCTION

The San Joaquin Valley Unified Air Pollution Control District (District) has received an Authority to Construct (ATC) application package from Barnhart Ranch to expand its existing egg laying hen ranch operation by constructing three (3) new cage free barns resulting in an increase in capacity of 1,098,000 hens. In addition, Barnhart Ranch will construct a 77,318 square foot processing facility with parking, a 17,000 square foot cold and dry storage building and a 3,200 square foot electrical building to support expansion of the egg laying hen ranch. Barnhart Ranch also plans to further expand its existing egg laying hen ranch by constructing two (2) more cage free barns resulting in an increase in the capacity of 732,000 hens.

The project evaluated under this environmental document is the construction of five (5) cage free barns resulting in a total increase in housing capacity of 1,830,000 hens, a 77,318 square foot processing facility with parking, a 17,000 square foot cold and dry storage building with a 3,200 square foot electrical building to support expansion of the egg laying hen ranch (Project). The proposed Project will be located at the existing Barnhart Ranch facility in Ceres, California. As presented in this environmental document, the District has conducted an Initial Study and concludes that, with mitigation, the Project will have a less than significant environmental impact.

## B. PURPOSE AND AUTHORITY

The District has discretionary approval power over the Project, pursuant to District Rule 2010 (Permits Required) and District Rule 2201 (New and Modified Stationary Source Review Rule). The District determined that no other agency has broader discretionary approval power over the Project. As such, the District is the public agency having principal responsibility for approving the project and serves as Lead Agency (CCR §15367).

The California Environmental Quality Act (CEQA) requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The District adopted its *Environmental Review Guidelines* (ERG) in 2001. The ERG was prepared to comply with this requirement and is an internal document used to comply with CEQA.

The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.



- Prevent significant, avoidable damage to the environment by requiring changes in projects through use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Under CEQA the Lead Agency is required to:

- Conduct preliminary reviews to determine if applications are subject to CEQA [CCR §15060].
- Conduct review to determine if projects are exempt from CEQA [CCR §15061].
- Prepare Initial Studies for projects that may have adverse environmental impacts [CCR §15063].
- Determine the significance of the environmental effects caused by the project [CCR §15064].
- Prepare Negative Declarations or Mitigated Negative Declarations for projects with no significant environmental impacts [CCR §15070].
- Prepare, or contract to prepare, EIRs for projects with significant environmental impacts [CCR §15081].
- Adopt reporting or monitoring programs for the changes made to projects or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment [PRC §21081.6 & CCR §15097].
- Comply with CEQA noticing and filing requirements.

## **C. PROJECT BACKGROUND INFORMATION**

### **Project Description**

Barnhart Ranch is an existing egg laying hen ranch operation in Ceres, California. The proposed Project includes multiple stationary source equipment that is subject to District permitting requirements. One of the major District requirements is that new and modified stationary source equipment that has air contaminant emissions must satisfy the requirements of New Source Review (NSR). The main requirements of NSR are to require the installation of Best Available Control Technology (BACT) if certain thresholds are exceeded to minimize emission increase from such equipment, and to mitigate emission increases over certain thresholds by providing emission reductions either by limiting the use of existing equipment or by providing emission offsets.

The District has received an ATC application package from Barnhart Ranch to expand its existing egg laying hen ranch operation in Ceres, California by constructing three (3) new cage free barns resulting in an increase in capacity of 1,098,000 hens. In addition, Barnhart Ranch will construct a 77,318 square foot processing facility with parking, a



17,000 square foot cold and dry storage building and a 3,200 square foot electrical building to support the expansion of the egg laying hen ranch. Barnhart Ranch also plans to further expand its existing egg laying hen ranch by constructing two (2) more cage free barns resulting in an increase in the capacity of 732,000 hens. Therefore, the ATC application package submitted, and future expansion is evaluated under this environmental document.

### **Process Description**

#### **Poultry Ranch**

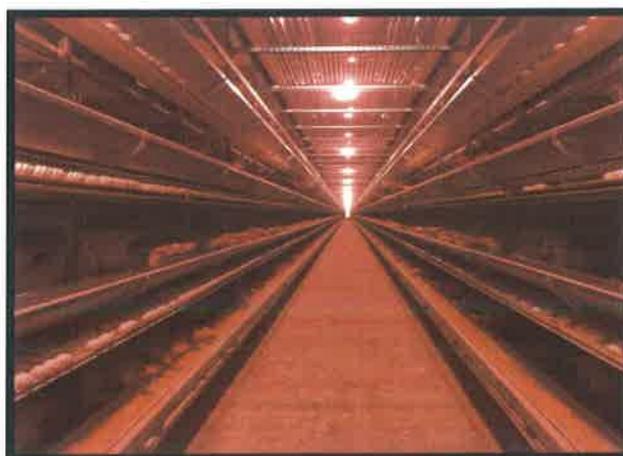
The primary function of Barnhart Ranch is the production and packing of eggs for human consumption. These eggs may be sold as shell eggs (table eggs), or may be used in the production of liquid, frozen, or dehydrated eggs. Laying hens reach sexual maturity and begin laying eggs between 16 and 20 weeks of age, depending on breed. Before the onset of egg production, these birds are referred to as pullets. Pullets that are about to start egg production are known as starter pullets. The hens at Barnhart Ranch typically have a production life of 83 to 90 weeks. The hens are usually replaced within 90 weeks because the natural decreasing rate of egg production becomes inadequate to cover feed costs. At this point, laying hens become spent hens and are typically rendered offsite to recover any remaining value.

#### **Layer Housing Practices**

Laying hens at Barnhart Ranch will be kept in cage-free houses with automated feed distribution and egg collection. Each hen house will be approximately 640 feet long by 193 feet wide by 30 feet high, with capacity for 366,000 hens. The houses are separated lengthwise into two 73 food bird chambers each with a capacity of 183,000 hens. The houses are separated vertically into two different levels with a wooden floor for access to level 2.

On each level there are five rows, each with three tiers of birds. The rows are separated with enough room for employees to walk the length of the house to monitor the birds.

**Figure 1: Level 1 of Poultry House**





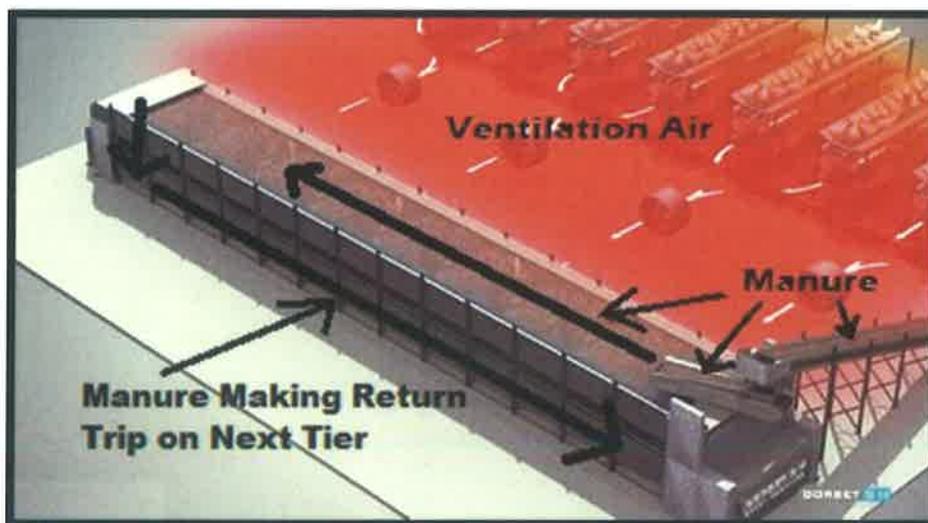
Each of the houses will be mechanically ventilated to remove moisture and carbon dioxide produced by respiration. Exhaust fans on the north and south sides of each house draw air out of the building which is cooled using water and cooling cells. Approximately 55% of the exhaust air will be used to dry manure in the adjacent manure drying. The remaining air is exhausted into the atmosphere.

### Manure Management

The manure from each house will be removed using a belt removal system, a manure dryer, and a series of conveyors. Below each tier of hens is a moveable belt which is capable of traveling the entire length of each deck, from west to east. Each belt collects the manure from the birds directly above. As the belt moves east to the end of the deck, the manure on each belt drops to a conveyor located just below ground level on level 1. Thus, there are seven moving belts per row (four belts on the first level and three belts on the top level) which drop manure onto the conveyor. The belts are operated for only one hour each day, which equates to traveling one-third the length of the deck per day. Therefore, manure on the western one-third of the house will stay on the belt for three days before dropping onto the conveyor, whereas manure on the eastern one-third of the house will drop onto the conveyor daily.

Once on the conveyor, the manure is transported the top of one of the two manure drying tunnels that is located within the poultry house, but separated from where the hens are caged. Each dryer is 16 feet by 312 feet, and consists of 8 tiered conveyor belts. Once manure is dropped onto the top tier, the manure will slowly be drawn along the length of the dryer. As manure is slowly conveyed, exhaust air from the ventilation fans serving the house will be vented to the dryers. The hen houses are maintained at approximately 75 °F average temperature. Therefore, since the air is heated as it passes through the bird chamber, the exhaust air will be slightly higher than the average of 75 °F (see Figure 2 for a general sample of the manure drying process).

**Figure 2: Manure Drying Process**





Once the manure on the top tier reaches the end of the dryer, it will drop to the tier directly below for additional drying. This process is completed over the course of 8 tiers, but the dryer does not run continuously. It takes approximately five days for manure to exist the dryer once it is loaded. As new manure is added each day, the existing manure already on the dryer will be pushed further along. However, the ventilation fans operate throughout the drying process. Additionally, the ventilation fans will operate twenty-four (24) hours per day, and the air flow will be provided by 30 fans from each half of the house. The 16 tiered dryers in the existing poultry house are shown in Figure 3 below.

**Figure 3: 18 Tiered Manure Dryer**



Once the manure has completed the drying process (after five days on the dryer), it is conveyed to a covered storage area located the back of each house. Manure is stored in stockpiles until it is ready to be hauled offsite or applied to cropland.

#### Feed Storage and Handling

Each poultry house is connected to a series of six silos used to receive and store chicken feed. The feed is loaded through a screw auger, and then sent to the poultry houses through a network of enclosed augers and pipes. The facility receives feed six days per week and each house receives 39 tons of feed per day. Therefore, between the four poultry houses, the facility receives approximately 156 tons of feed per day.



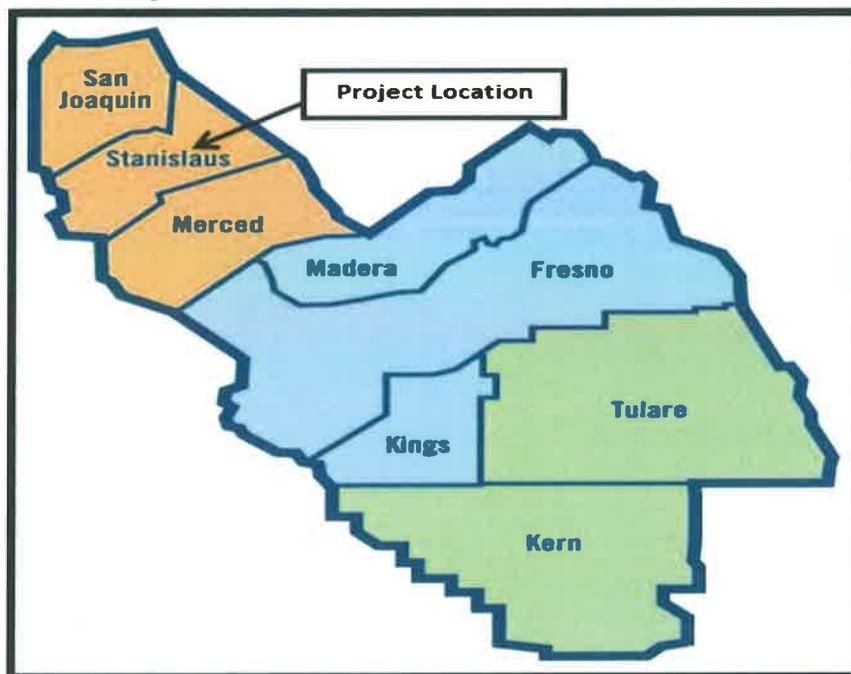
**Project Location**

The Project will be located at the existing Barnhart Ranch facility at 718 Barnhart Road in Ceres, California. The total site for the Barnhart Ranch egg laying hen ranch facility consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres. The Barnhart Ranch facility is located within the boundaries of Stanislaus County, which is in the San Joaquin Valley Air Basin (see Figure 4 below). As such, Figures 5 and 6 present the Project site and layout of the Project.

**Table 1 –Project Location**

Assessor's Parcel Number	Section	Township	Range
041-048-008-000	33	4	9 East

**Figure 4: The San Joaquin Valley Air Basin**

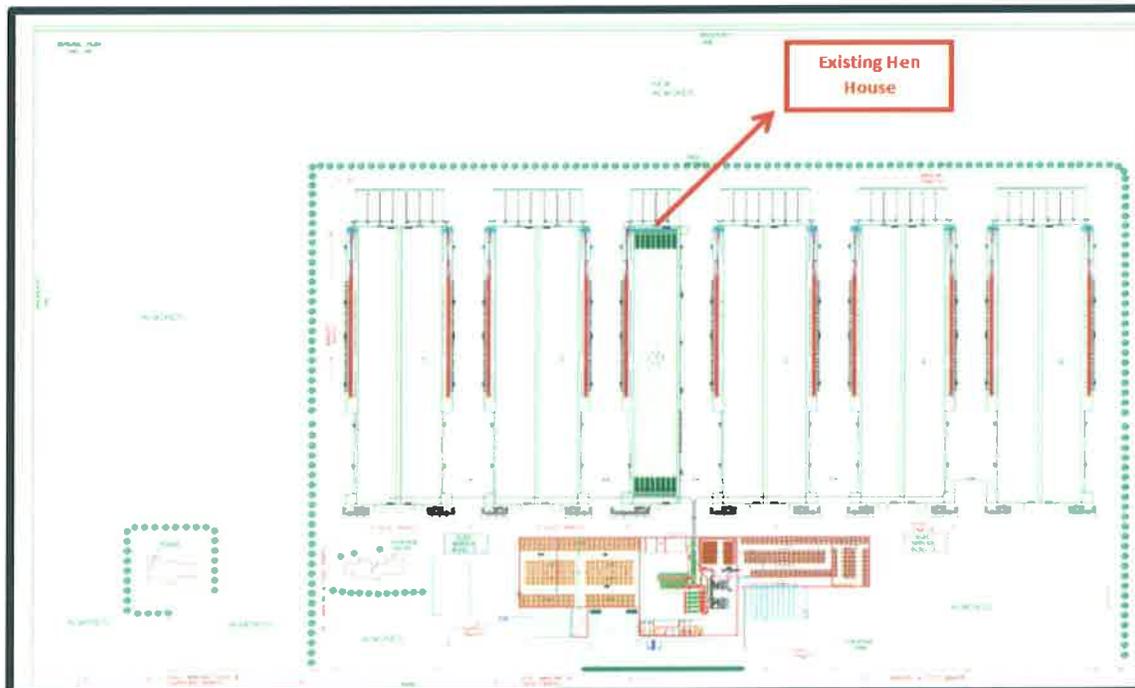




**Figure 5: Barnhart Ranch Project Site**



**Figure 6: Project Site Map**





**General Plan Designation and Zoning**

The Project site is currently designated as General Agriculture (A-2) in the Stanislaus County General Plan. Table 2 below identifies the Stanislaus County General Plan designation and zoning for the Project.

**Table 2: Stanislaus County General Plan Land Use Designation and Zoning**

<b>Assessor's Parcel Number</b>	<b>General Plan Designation</b>	<b>Zoning</b>
041-048-008-000	Agriculture	General Agriculture (A-2)

**Surrounding Land Uses and Setting**

The area immediately to the South, East and West of the Project site is currently active agricultural land consist of grape and almond orchards (see Figures 7-10 below). The area immediately to the North consists of almond orchards and an existing wine storage facility (see Figure 10 below). The District has verified that the Project is not within 1,000 feet of a school's outer boundary; therefore, the public notification requirement of the California Health and Safety Code 42301.6 is not applicable to the Project.

**Figure 7: View South of the Project Site**





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**Figure 8: View East of the Project Site**



**Figure 9: View West of the Project Site**





**Figure 10: View North of the Project Site**



**Other Public Agencies Whose Approval Is Required**

The District has identified the following agencies as having approval authority for the Project.

***County of Stanislaus***

Prior to construction of the cage free barns, a building permit is required from the County of Stanislaus.

**D. DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION**

Consistent with CEQA requirements, the District prepared an Initial Study that evaluated potential environmental effects of the Project. The District has determined with mitigation, the Project would have a less than significant impact on the environment. The District concludes that a Mitigated Negative Declaration would be appropriate for the Project. Project design elements and mitigation measures that reduce the Project's impact on environment would be enforced through mitigation and District permits.

July 8, 2016



San Joaquin Valley Unified Air Pollution Control District  
 Initial Study and Draft Mitigated Negative Declaration  
 Barnhart Ranch (N-1143814)

**E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

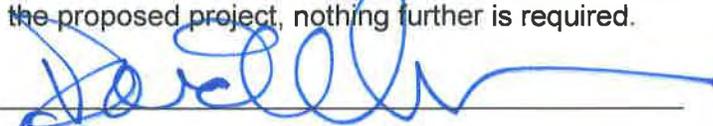
The environmental factors checked below would be potentially affected by the proposed Project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated", as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology / Soils                               |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality                     |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise   |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                                    |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems        | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

**F. DETERMINATION**

I certify that the Project was independently reviewed and analyzed and that this document reflects the independent judgment of the District.

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: 

Date: 7/7/16

Printed Name: Arnaud Marjollet

Title: Director of Permit Services



**G. ENVIRONMENTAL IMPACT CHECKLIST**

<b>I. Aesthetics</b> Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to trees, rock, outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

**I. AESTHETICS**

**Scenic Vistas and Visual Character (a-d)**

**Conclusion:** The Project will not have a substantial effect on scenic vistas, damage scenic resources, degrade visual character in and around the sites, or create new sources of light or glare.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses. There are no scenic vistas or scenic resources such as trees, rock, outcroppings, or historic buildings on the Project site or adjacent properties. The absence of these features on or nearby the Project site precludes the possibility of any potential adverse impacts. Minimal lighting impacts may occur during construction activities associated with the proposed cage free barns however, it will be temporary in nature as construction activities are not expected to occur over a long period of time. During operations, lighting will be installed as part of the project design however it will be installed in accordance with the California Building Code and County of Stanislaus building standards. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would have a detrimental impact on aesthetics.

**Mitigation:** None required.



**References**

California Department of Transportation. *Officially Designated State Scenic Highways*.  
 Website: [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm)

County of Stanislaus. *General Plan*. Website:  
<http://www.stancounty.com/planning/pl/general-plan.shtm>.

Galvez, Miguel. Stanislaus County Planning, Senior Planner. Electronic Communication.

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

II. Agricultural Resources	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resource Board.				
Would the Project				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓	



<b>II. Agricultural Resources (continued)</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)), timberland (as defined by Public Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

**II. AGRICULTURAL RESOURCES**

**Farm and Forest Lands (a-e)**

**Conclusion:** The Project will not conflict with existing zoning and will not have an impact on agricultural and forest lands as identified in the above.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it and is not designated as Prime Farmland, Unique Farmland, or of Statewide importance. The Project will not convert farm or forest lands to non-farm or non-forest uses, and furthermore, no forest lands are located within the existing boundaries of the Project site.

The Project site is currently under active Williamson Act Contract (No. 1977-2982). However, the County of Stanislaus has determined the use of the site is compatible for an egg laying hen ranch operation as a continuation of an agricultural use. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would have a detrimental impact on agricultural resources.

**Mitigation:** None required.



## **References**

California Department of Conservation. Farmland Mapping & Monitoring Program. Website: <http://www.conservation.ca.gov/DLRP/fmmp/Pages/Index.aspx>.

California Legislative Information. California Government Code Section 51243 (a). Website: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=51243](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=51243)

County of Stanislaus. Stanislaus County General Plan Agricultural Element. Website: <http://www.stancounty.com/planning/pl/gp/gp-ag-element.pdf>

County of Stanislaus. Stanislaus County Code, Zoning Ordinance. Website: <http://qcode.us/codes/stanislauscounty/>

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County of Stanislaus. *General Plan*. Website: <http://www.stancounty.com/planning/pl/general-plan.shtm>.

Galvez, Miguel. Stanislaus County Planning, Senior Planner. Electronic Communication.

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

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III. Air Quality	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
Would the Project:				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.				
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?		✓		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	

### III. AIR QUALITY

#### Air Quality Plans (a)

**Conclusion:** The Project, with the incorporation of mitigation measures, will have a less than significant impact on air quality.

**Discussion:** The District is tasked with implementing programs and regulations by the Federal Clean Air Act and the California Clean Air Act and has prepared plans to attain federal and state Ambient Air Quality Standards (AAQS). The District has established thresholds of significance for criteria pollutant emissions, which are based on federal and District New Source Review (NSR) offset requirements for stationary sources. Stationary sources in the District are subject to some of the toughest regulatory requirements in the nation.

The significance of the impacts of the emissions from construction, operational non-permitted equipment and activities, and operational permitted equipment and activities are evaluated separately. The thresholds of significance are based on an annual year basis. For construction emissions, the annual emissions are evaluated on a consecutive 12-month period. A project would be determined to have a significant impact on air quality if the emission sum for any criteria pollutant exceeds its respective threshold of significance. The District's thresholds of significance for criteria pollutant emissions are presented below in Table 3.



**Table 3: District Thresholds of Significance for Criteria Pollutants**

<b>Pollutant</b>	<b>Construction Emissions Threshold (*tpy)</b>	<b>Permitted Operational Emissions Threshold (tpy)</b>	<b>Non-Permitted Operational Emissions Threshold (tpy)</b>
NOx	10	10	10
SOx	27	27	27
PM <sub>10</sub>	15	15	15
**PM <sub>2.5</sub>	15	15	15
CO	100	100	100
ROG (VOC)	10	10	10

\* tpy = tons per year  
 \*\* PM<sub>2.5</sub> emissions are a subset of PM<sub>10</sub>, and therefore are included and addressed in PM<sub>10</sub> emissions.  
 Note: For construction emissions, the annual emissions are evaluated on a consecutive 12-month period.

Project Details

Barnhart Ranch is proposing to construct five new cage free barns resulting in an increase in housing 1,830,000 hens. In addition, Barnhart Ranch will construct a 77,318 square foot processing facility with parking, a 17,000 square foot cold and dry storage building and a 3,200 square foot electrical building to support the expansion of the egg laying hen ranch. The Project is located at 718 Barnhart Road in Ceres, California.

Construction Emissions

Construction of the Project is expected to begin in August 2016. Construction activities associated with the Project include site preparation, minor trenching, paving, worker trips, and the erection of the metal buildings. The Project is expected to be built out in phases, with completion expected 4<sup>th</sup> quarter of year 2019.



**Table 4: Project Construction Emissions**

Construction Emissions (12-month period)	Annual Emissions (tons)				
	ROG (VOC)	NOx	CO	SO2	PM10
Year 2016/2017	0.4425	3.4464	2.8409	0.0046	0.3930
Year 2017/2018	0.1104	0.8565	0.8040	0.0014	0.1069
Year 2018/2019	0.1625	1.3681	1.2652	0.0022	0.1465
Year 2019	0.1028	0.8229	0.8267	0.0015	0.7499
<b>District Threshold of Significance</b>	<b>10</b>	<b>10</b>	<b>100</b>	<b>27</b>	<b>15</b>
<b>Exceed District Thresholds of Significance?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

The construction emissions are assessed on a consecutive 12-month period with construction anticipated to begin August 2016. As shown in Table 4 above, construction emissions will not exceed the District's thresholds of significance for criteria pollutants. Therefore, the District concludes that Project construction emissions will have a less than significance impact on air quality and mitigation measures are not required.

Operational Emissions

*Operational Non-Permitted Activities – Employee Mobile Sources:* At full build-out the Project will require 22 employees. The employees are anticipated to travel approximately 12 miles roundtrip. To assess the Project impacts at worst-case scenario from employee mobile sources, 100% of the employee trips were assumed Light Duty Truck – 2 (LDT-2), and assuming the facility is fully operational in year 2016.

*Operational Non-Permitted Activities –Trucks:* At full build-out the Project will result in 51 feed trucks trips per week, 36 manure truck trips per week, and 35 egg truck trips per week for an average of 17.4 daily truck trips per day. At worst case scenario, the feed trucks will travel approximately 19 miles roundtrip, the manure trucks will travel approximately 40 miles roundtrip, and the egg trucks will travel approximately 80 miles roundtrip. To assess the Project impacts at worst-case scenario from non-permitted



activities, 100% of the truck trips were assumed Heavy-Heavy Duty Trucks (HHDT), and assuming the facility is fully operational in year 2016.

As shown below in Table 5, operational non-permitted source emissions will not exceed the District's thresholds of significance for criteria pollutants. Therefore, the District concludes that Project non-permitted source emissions will have a less than significant impact on air quality.

**Table 5: Project Operational Non-Permitted Source Emissions**

	Annual Emissions (tons/year)				
	ROG (VOC)	NOx	CO	SO2	PM10
<b>Year 2016</b>	7.7	3.24	2.41	0.01	0.29
<b>District Thresholds of Significance</b>	10	27	15	100	10
<b>Exceed District Thresholds of Significance?</b>	No	No	No	No	No

*Operational Permitted Equipment – Stationary Source Emissions:* At full build-out the Project will consist of constructing five new cage free barns resulting in an increase in housing 1,830,000 hens. Currently the District has received an ATC application for three cage free barns, however, the applicant will submit ATC applications in the future for the remaining two cage free barns consistent with the proposed construction schedule of the Project.

As presented below in Table 6-Project Stationary Source Operational Emissions, at full build-out the Project will exceed the District's thresholds of significance. The engineering evaluation for the three cage free barns demonstrates that permitted stationary source emissions are below the District's thresholds of significance. However as future ATC applications for the remaining two cage free barns are submitted to the District, project stationary source operational emissions are expected to exceed the District's thresholds of significance. District implementation of District Rule 2201 (New Source Review Rule) ensures that there are no net increase in emissions above the District thresholds of significance from new and modified stationary sources for all nonattainment pollutants and their precursors. As such, emission increases will be mitigated through offsetting requirements in accordance with District Rule 2201. By surrendering offsets, the Project stationary source operational emissions will be mitigated to below the District thresholds of significance. Therefore, the District concludes that through a combination of project design features, permit conditions and



mitigation measures, Project related stationary source emissions will be mitigated to a less than significant impact.

**Table 6. Project Stationary Source Operational Emissions**

	Annual Emissions (tons/year)					
	NOx	SOx	PM <sub>10</sub>	CO	ROG (VOC)	NH <sub>3</sub>
<b>Total Emissions for Five Cage Free Barns</b>	0	0	7.59	0	13.73	213.20
<b>District Thresholds of Significance</b>	10	27	15	100	10	n/a
<b>Exceed District Threshold of Significance?</b>	No	No	No	No	Yes	No
<b>After surrendering ERCs will the Project exceed District Thresholds of Significance?</b>	No	No	No	No	No	No

#### Air Quality Plans

As presented in Table 4 and 5, Project related construction and operational non permitted source emissions are below the Districts thresholds of significance. Furthermore as presented in Tables 6, operational stationary source emissions will be mitigated to below the District's significance thresholds through compliance with District Rule 2201. As such, the Project does not conflict with the implementation strategy of the District's air quality plans (*2008 PM 2.5 Plan; 2007 8-Hour Ozone Plan and Request for Redesignation; 2007 PM10 Maintenance Plan; 2012 PM2.5 Plan, 2013 Plan for the Revoked 1-Hour Ozone Standard; 2015 Plan for the 1997 PM2.5 Standard; 2016 Plan for the 2008 8-Hour Ozone Standard*). Therefore, the Project will have a less than significant impact with mitigation measures.

**Mitigation:** To ensure compliance with District Rule 2201 (New Source Review Rule) requirements for offsetting operational emissions, Barnhart Ranch shall surrender emission reduction credits (ERCs) to completely offset operational emissions as required by District New Source Review requirements. The following measures will be made conditions of Project approval and will be included in the Project ATCs:



- **AIR-1** : The Permittee is required to comply with District Rule 2201 (New Source Review), to ensure offsetting operational stationary source emissions when/if Project stationary source emissions exceed the District's thresholds of significance. When required, the permittee shall surrender ERCs sufficient to offset operational stationary source emissions as required through District Rule 2201 requirements.

### **Air Quality Violation (b)**

**Conclusion:** The Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

**Discussion:** When assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when emission increases from construction and operational activities exceed 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstance, the District recommends an ambient air quality analysis (AAQA) be performed. An AAQA uses air dispersion modeling to determine if emission increases from a project will cause or contribute to a violation of the ambient air quality standards. For this Project, the Project will not exceed the 100 pounds per day screening level. Therefore, the Project is not expected to result in a violation of an air quality standard and the impact will be less than significant.

**Mitigation:** None required.

### **Cumulative Impacts of Criteria Pollutants (c)**

**Conclusion:** The Project emissions will have a cumulatively less than significant impact on air quality.

**Discussion:** By its very nature, air pollution has a cumulative impact. The District's nonattainment status is a result of past and present development within the SJV Air Basin. Furthermore, attainment of ambient air quality standards can be jeopardized by increasing emissions-generating activities in the region. No single project would be sufficient in size, by itself, to result in nonattainment of the regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when taken in combination with past, present and future development within the San Joaquin Valley Air Basin.

The District's thresholds of significance for criteria pollutants are based on District Rule 2201 (New Source Review) offset requirements. Furthermore, New Source Review (NSR) is a major component of the District's attainment strategy. NSR provides mechanisms, including emission trade-offs, by which ATC such sources may be granted, without interfering with the attainment or maintenance of ambient air quality standards. District implementation of NSR ensures that there are no net increase in



emissions above specified thresholds from new and modified Stationary Sources for all nonattainment pollutants and their precursors. In fact, permitted emissions above offset thresholds equivalent to the District's thresholds of significance for criteria pollutants are mitigated to below the thresholds, and the District's attainment plans show that this level of emission increase will not interfere with attainment or maintenance of ambient air quality standards.

The District's attainment plans demonstrate that project-specific net emissions increase below NSR offset requirements will not prevent the District from achieving attainment. Consequently, emission impacts from sources permitted consistent with NSR requirements are not individually significant and are not cumulatively significant.

As discussed above, the Project construction and operational non-permitted sources will not exceed any of the significance thresholds. The Project operations will comply with all District rules and regulations. Therefore, the Project emissions will have a cumulatively less than significant impact on air quality.

**Mitigation:** None required.

### **Sensitive Receptors (d)**

**Discussion:** Under the Clean Air Act, toxic air contaminants (TACs) are airborne pollutants that may be expected to result in an increase in mortality or serious illness or which may pose a present or potential hazard to human health. Potential health impacts from TACs include long-term health effects such as cancer, birth defects, neurological damage, or genetic damage; or short-term effects such as eye watering, respiratory irritation, throat pain and headaches. TACs may also be referred to as hazardous air pollutants (HAPs). There are currently more than seven hundred (700) substances classified by the US EPA and California Air Resources Board (CARB) as TACs. Air Quality problems occur when sources of TACs and sensitive receptors are located in proximity to one another.

TACs can be separated into carcinogens and non-carcinogens based on the nature of the physiological degradation associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts would not occur. Cancer risk is expressed as excess cancer cases per one million exposed individuals.

Non-carcinogens differ in that there is generally assumed to be a safe level of exposure below which no negative health impact would occur. These levels are determined on a pollutant-by-pollutant basis. Acute and chronic exposure to non-carcinogens is expressed by using a Hazard Index, which is the ratio of expected exposure levels to acceptable health-acceptable exposure levels.



The District's thresholds of significance for determining whether project emissions would expose sensitive receptors to substantial pollutant concentrations are:

- Carcinogens: Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds twenty (20) in one million.
- Non-Carcinogens: Ground Level concentrations of non-carcinogenic TACs would result in a Hazard Index greater than one (1) for the MEI.

The threshold of significance listed above may be modified in the future due to changes proposed by the Office of Environmental Health Hazard Assessment (OEHHA) in the method for calculating risk.

The District performed an HRA to determine possible health impacts from the Project's stationary and non-stationary source emissions to surrounding sensitive receptors. The HRA demonstrates that for each unit, the acute and chronic hazard indices are both below one (1) and the maximum individual cancer exposure risk associated with the Project is less than the 20 in a million threshold. Specific conditions will be placed into the permit to ensure that human health risks will not exceed the District allowable levels. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would expose sensitive receptors to significant health risks. Therefore, the Project will have a less than significant impact on sensitive receptors.

**Mitigation:** None required.

### **Objectionable Odors (e)**

**Discussion:** While offensive odors rarely cause any physical harm, they can be very unpleasant leading to considerable distress among the public and often generating citizen complaints to local governments and the District. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there is no quantitative or formulaic methodologies to determine if potential odors would have a significant impact. Rather, projects must be assessed on a case-by-case basis.

The District's *Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI)* defines a significant odor impact as either:

- More than one (1) confirmed complaint per year averaged over a three (3) year period, or
- Three (3) unconfirmed complaints per year averaged over a three (3) year period.



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A review of the District's compliance database revealed that there have been no odor complaints received against the existing Barnhart Ranch facility. Furthermore, the proposed Project will be constructed with state of the art technology, which will not result in significant odor impacts. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would create objectionable odors affecting a substantial number of people. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

### **References**

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July 8, 2016



San Joaquin Valley Unified Air Pollution Control District  
Initial Study and Draft Mitigated Negative Declaration  
Barnhart Ranch (N-1143814)

IV. Biological Resources	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

#### IV. BIOLOGICAL RESOURCES

##### Candidate, Sensitive and Special Status Species (a)

**Conclusion:** The Project will have no impact on candidate, sensitive, or special status species.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise



thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

ICF International was retained to conduct a Reconnaissance-Level Biological Survey (RLB Survey) for the Project. ICF International reviewed existing information including the California Department of Fish and Wildlife's California Natural Diversity Data Base (CNDDDB) and assessed the existing biological conditions on the Project site and a surrounding 0.25-mile area. The study area was established to determine if suitable habitat for special status plant and wildlife species had previously been documented.

ICF International identified several special-status species as having the potential to occur in the study area, which includes: the state-listed swainson hawk, the state-listed burrowing owl, the state-listed tricolored blackbird, and the federally-listed valley elderberry longhorn beetle. The CNDDDB reports occurrences for two special-status species within five (5) miles of the Project site, which includes: one Swainson hawk nesting located approximately 4.5 miles east of the Project site, and three tricolored blackbird nesting colony located approximately 3 miles southwest of the Project site.

No special-status plant or wildlife species were observed during the field survey and there is not suitable nesting habitat for either Swanson's hawk (tall trees) or tricolored blackbird (marshes). There are no elderberry shrubs which are habitat for the valley elderberry longhorn beetle. Suitable habitat for burrowing owls was identified adjacent to the Project site, including berms around the lagoon ponds and farm roads, however, no signs (burrows with whitewash or pellets) were observed on the Project site during the survey. Species observed during the field survey included: red-tailed hawk (*Buteo jamaicensis*), northern mockingbird (*Mimus poluglottos*), American crow (*Corvus brachyrhynchos*), and cliff swallows (*Petrochelidon pyrrhonota*). There were numerous Botta's gopher mounds (*Thomomys bottae*) and small mammal burrows throughout the survey area. Furthermore, no suitable habitat for special-status plants were observed during the field visit and none have been reported in the study area (CNDDDB).

The Project site and surrounding study area do not currently support any sensitive biological resources including suitable habitat for special-status plants or wildlife species, waters of the United States/waters of the State, or sensitive natural communities. While there is potential habitat for burrowing owls to use the Project site, none were observed during the field survey and implementation of the Project would not likely have an effect on the species. The disturbed nature of the Project site and on-going agricultural practices make it highly unlikely to that there would be any effect on sensitive biological resources during Project implementation. Therefore, the District concludes the Project will have no impact on candidate, sensitive, or special status species.



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**Riparian Habitats, Sensitive Natural Communities, Wetlands and Migratory Corridors (b, c, d)**

**Conclusion:** The Project will have a less than significant impact on riparian habitats, sensitive natural communities or federally protected wetlands.

**Discussion:** The Project site currently consists of an existing egg laying hen ranch. Per the RLB Survey conducted and the served of CNDDDB records, the Project site does not contain wetlands or natural waterways that could qualify as waters of the United States/waters of the State. Furthermore, the Project site does not contain any natural habitat or other native community or riparian habitat. Therefore, the District concludes the Project will have no impact.

**Mitigation:** None required.

**Policies, Ordinances and Conservation Plans (e-f)**

**Conclusion:** The Project will not conflict with local policies or ordinances and will not conflict with provisions of any adopted conservation plans.

**Discussion:** There are no local plans, ordinances, Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to this Project.

**Mitigation:** None required.

**References**

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

Google Maps, July 2015.

ICF International. Results of Reconnaissance-Level Biological Survey for Gemperle Farms, August 4, 2015.

July 8, 2016



San Joaquin Valley Unified Air Pollution Control District  
Initial Study and Draft Mitigated Negative Declaration  
Barnhart Ranch (N-1143814)

V. Cultural Resources Would the Project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			✓	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		✓		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d) Disturb any human remains, including those interred outside of formal cemeteries?		✓		

## V. CULTURAL RESOURCES

### Historical Resources (a)

**Conclusion:** The Project will have a less than significant impact on historical resources.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses. A search of records was conducted by the *Central California Information Center (CCIC)* to identify if there were any potential historical resources that have been discovered on or near the Project site. The results of the search identified no prehistoric or historic archaeological resources or historic properties have been reported within the Project site. Only one forty-five (45) year old historical building was identified; however, it was determined to be outside the boundaries of the Project site. Furthermore, CCIC search results identified no known prehistoric or historic archaeological resources have been reported within the Project site to have value to local cultural groups. Therefore, the District concludes that the Project would have a less than significant impact on historical resources.

**Mitigation:** None required.



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### **Archaeological Resources (b)**

**Conclusion:** The Project will have a less than significant impact with mitigation on archaeological resources.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses. Ground-disturbing work such as site preparation and minor trenching may potentially impact archaeological resources. A search of records was conducted by the CCIC to identify any potential archaeological resources that have been discovered on or near the Project site. The results of the search identified no prehistoric or historic archaeological resources that have been reported within the Project site. The CCIC search results identified no prehistoric or historic archaeological resources known within the Project site have been reported to have value to local cultural groups. The Project site is designated to have a low sensitivity for possible discovery of prehistoric and archeological resources, due to the lack of natural water sources in the area. To minimize impacts to archaeological resources, mitigation measure CUL-1 has been incorporated into the Project should any archaeological resources be unearthed during ground-disturbing activities. Therefore, the District concludes that the Project would have a less than significant impact with mitigation.

**Mitigation:** See below.

- **CUL-1** – In the event that archaeological resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall cease and the Permittee shall notify and retain a qualified archaeologist to assess and provide an evaluation of the significance of the find. A qualified archaeologist shall determine whether avoidance is necessary and feasible in light of the factors such as the nature of the find, project design, costs, and other considerations, and, if necessary, develop appropriate mitigation measures in consultation with Stanislaus County and the Native American Heritage Commission (NAHC). In addition, should archaeological resources be discovered, Permittee shall provide the District a written report in relation to the nature of the find. [*Public Resources Code 21000-21177: California Environmental Quality Act*]



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### **Paleontological Resources (c)**

**Conclusion:** The Project will have a less than significant impact with mitigation on paleontological resources.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses. During ground-disturbing related activities, there's a possibility paleontological resources may be uncovered during construction related activities such as: site preparation, and minor trenching. Therefore, to minimize any potential impacts on paleontological resources, mitigation measures have been incorporated into the Project should any be uncovered during construction related activities. Therefore, the District concludes that the Project would have a less than significant impact with mitigation.

**Mitigation:** See below.

- **CUL-2** – In the event that paleontological resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall cease and the Permittee shall notify and retain a qualified paleontologist to assess and provide an evaluation of the significance of the find. A qualified paleontologist shall determine whether avoidance is necessary and feasible in light of the factors such as the nature of the find, project design, costs, and other considerations, and, if necessary, develop appropriate mitigation measures in consultation with Stanislaus County and the Native American Heritage Commission (NAHC). In addition, should paleontological resources be discovered, Permittee shall provide the District a written report in relation to the nature of the find. [*Public Resources Code 21000-21177: California Environmental Quality Act*]

### **Human Remains (d)**

**Conclusion:** The Project will have a less than significant impact with mitigation on human remains.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen



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ranch and is consistent with current and surrounding land uses. No cemeteries, burial sites, or archaeological deposits containing human remains have been identified within the Project site or vicinity. In the event of an unanticipated discovery of human remains during the construction or operation of the Project, mitigation measure CUL-3 has been incorporated into the Project to address the possibility that human remains might be unearthed during any ground-disturbance activities. Therefore, the Project will have a less than significant impact with mitigation.

**Mitigation:** See below.

- **CUL-3** – In the event that human remains are discovered during ground-disturbing activities, all work within 100 feet of the find shall cease and the discovery shall immediately be reported to the County Coroner (CC) and Native American Heritage Commission (NAHC) for further assessment. Permittee shall identify appropriate measures for treatment or disposition of the remains in consultation with the CC and NAHC. In addition, should human remains be discovered during ground-disturbing activities, Permittee shall provide the District a written report in relation to the nature of the find. [*Public Resources Code 21000-21177: California Environmental Quality Act*]

### **References**

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Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.



<b>VI. Geology / Soils</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii) Strong seismic ground shaking?				✓
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			✓	

**VI. GEOLOGY/SOILS**

**Seismic Activity and Geological Stability (a, c, d)**

**Conclusion:** The Project will not have a substantial effect on exposing people or structures to potential risks of loss, injury, or death resulting from strong seismic activity, unstable or expansive soils, and ground failure.



**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site for the Barnhart Ranch egg laying hen ranch facility consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

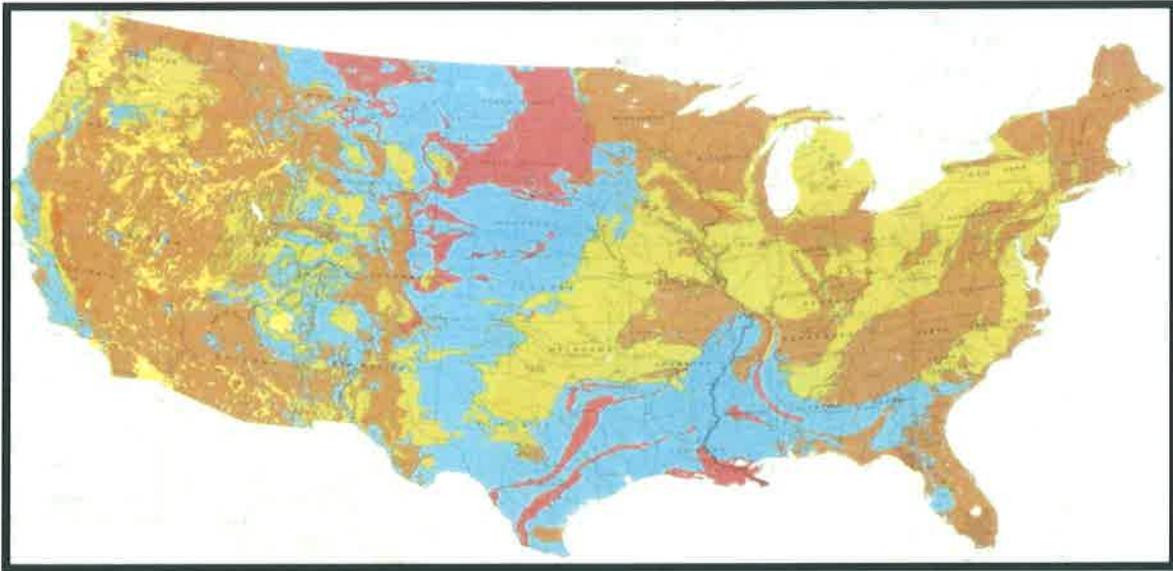
According to the Stanislaus County General Plan Safety Element, several faults are known to exist west of Interstate Highway 5. The Project site is located approximately thirteen (13) miles east of Interstate Highway 5 where no faults are known to exist. Furthermore, the Project is not located within an Alquist-Priolo Earthquake Fault Zone as published by the California Department of Conservation. Also, the Project site is not located in a liquefaction hazard area. The Project is located on an existing agricultural use site consisting of moderate to flat terrain used for an existing egg laying hen ranch operation, and is not located near areas that have the potential to cause a landslide.

The Project will be constructed in accordance with all building code requirements, including those pertaining to excavations, grading, and foundations. Adherence to the California Building Code (CBSC) requirements and compliance with California seismic design requirements would ensure that the Project would not expose persons or property to substantial risk of loss, injury or death resulting from seismic activity. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would result in significant risks to life and property as a result of impacts to geologic and soil resources.

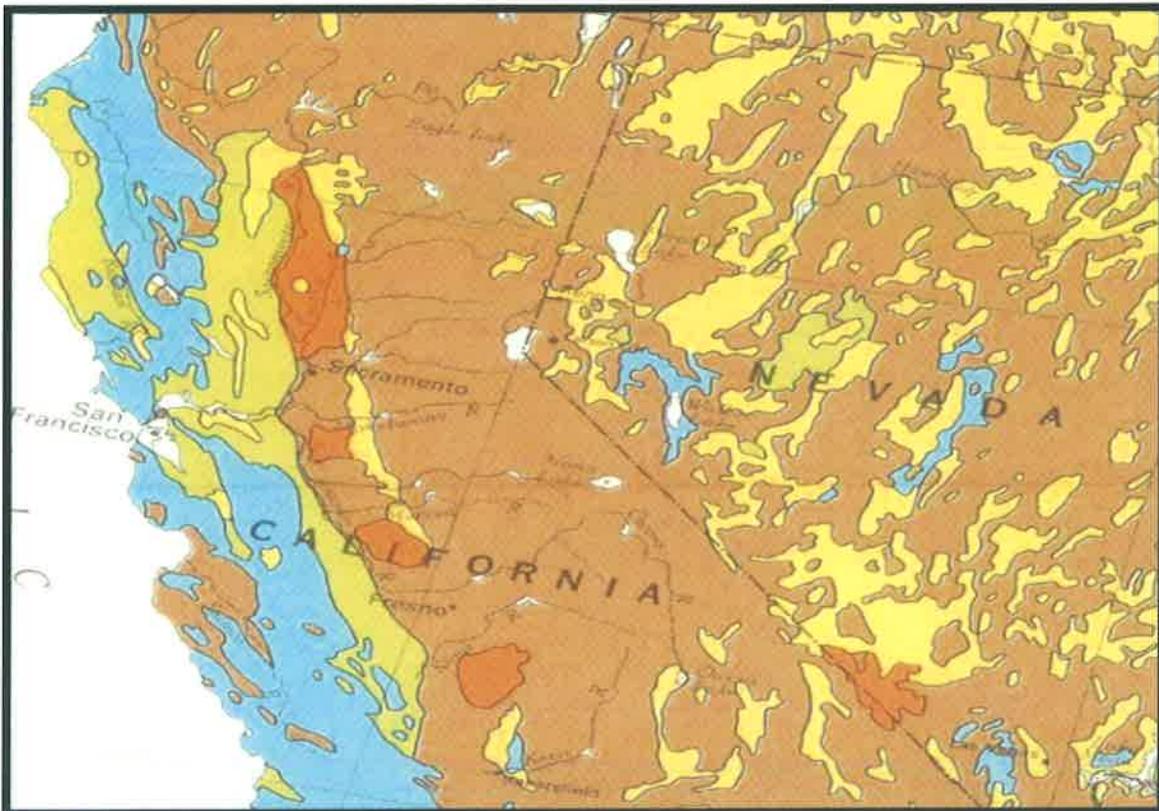
Expansive soils are soils that swell and contract depending on the amount of water that is present. Expansive soils contain minerals such as smectite clays that are capable of absorbing water. When they absorb water they increase in volume. The more water they absorb, the more their volume increases. Expansions of ten percent or more are not uncommon. This change in volume can exert enough force on a building or other structure to cause damage. According to the United States Geological Survey, Swelling Clays Map of Conterminous United States identified geological units that contain swelling clays, and within broad limits, categorized the units according to their swelling potential (see Figures 11-13).



**Figure 11: Swelling Clays Map of the Conterminous United States**

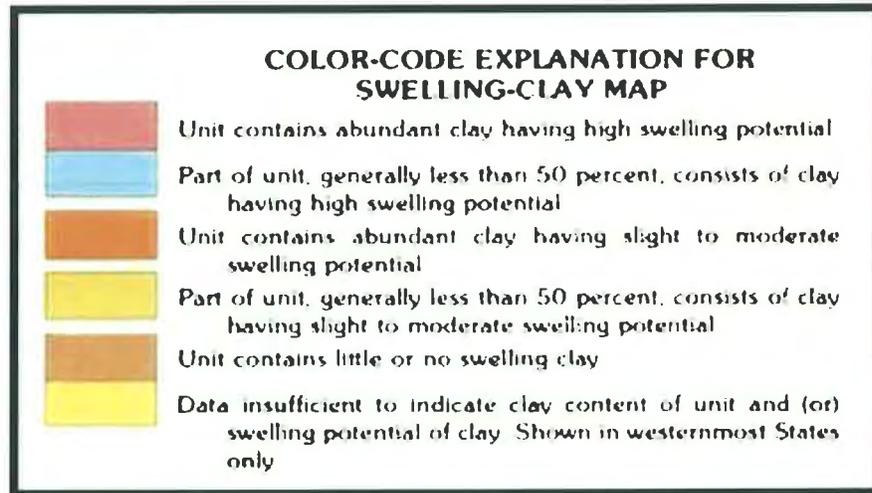


**Figure 12: Swelling Clays Map of the Conterminous United States (Project Area)**





**Figure 13: Color-Coded Explanation for Swelling Clay Map**



Based on the Swelling Clays Map of the Conterminous United States prepared by the United States Geological Survey, the soil in Stanislaus County contains little or no swelling potential. Therefore, there will be no impact on expansive soil.

**Mitigation:** None required.

#### **Soil Erosion (b)**

**Conclusion:** The Project will not result in substantial soil erosion or the loss of topsoil, and impacts are less than significant.

**Discussion:** The construction of the Project will occur within the existing boundaries of Barnhart Ranch. Construction activities associated with the Project include site preparation, minor trenching, paving, worker trips, and erection of metal buildings. Minor underground utilities will be installed to support operational activities. As such, the Project will result in soil erosion and topsoil removal. Any potential impacts to soil erosion will be reduced by complying with the requirements of the Stanislaus County Planning and Community Development Department. Therefore, impacts are considered to be less than significant.

**Mitigation:** None required.

#### **Soil Capacity for Wastewater (e)**

**Conclusion:** The Project will have a less than significant impact on wastewater disposal.



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**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

A septic tank will be included as part of the Project to support employee restrooms. Water run-off from the Project will be kept free of fecal contamination through a designed drainage plan which will allow for natural percolation of water into the landscaped grounds or adjacent company owned orchards. In addition, the Project site will be equipped with proper drainage swales and depressions to ensure the proper drainage of any potential water or wastewater. Furthermore, the Project will be equipped with a “processing machine” which contains technologies to greatly reduce solids, and fats in waste water. The “processing machine” is equipped with a Clean In Place (CIP) technology that reduces the amount of wash water from the Project. Minimal wash water from the operations of the Project (i.e. – leaking and broken eggs) will have minimal solids, fats and inorganic chemicals. This water will go through a series of settling and treatments, and later, will be applied to landscaping on-site grounds or adjacent company owned orchards as part of the Nutrient Management Plan. Therefore, the Project will not impact the soil or its capacity to support potential wastewater disposal.

**Mitigation:** None required.

### **References**

California Department of Conservation, California Geological Survey. *Fault Parameters-Alquist Priolo Earthquake Fault Zones*. Website:  
<http://www.conservation.ca.gov/cgs/rghm/ap/Pages/Index.aspx>

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<http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>

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<b>VII. Greenhouse Gas Emissions</b>  Would the Project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

## VII. GREENHOUSE GAS EMISSIONS

### Greenhouse Gas Emissions (a, b)

**Conclusion:** Project related greenhouse gas (GHG) emissions will not conflict with any applicable plans or policies to reduce GHG emissions and will not have a significant impact on global climate change.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (G-2) within the existing Barnhart Ranch egg laying hen ranch which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and one half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

GHGs are gases that absorb and emit radiation within the thermal infrared range, trapping heat in the earth's atmosphere. There are no "attainment" concentration standards established by the Federal or State governments for GHGs. In fact, GHGs



are generally not thought of as traditional air pollutants because GHGs, and their impacts, are global in nature, while traditional “criteria” air pollutants affect the health of people and other living things at ground level, in the general region of their release to the atmosphere. Some GHGs are created and emitted solely through human activities. The principal GHGs that enter the atmosphere because of human activities are carbon dioxide (CO<sub>2</sub>) methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated carbons. Additional information on GHGs and global climate change can be found in the District staff report titled: *Addressing Greenhouse Gas Emissions Impacts Under the California Environmental Quality Act*.

### Assembly Bill 32 (AB 32)

Assembly Bill 32 (California Global Warming Solutions Act of 2006) is a key piece of California’s effort to reduce its GHG emissions. AB 32 was adopted establishing a cap on statewide GHG emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emission levels. AB 32 requires the CARB to establish regulations designed to reduce California’s GHG emissions to 1990 levels by 2020. In executing its legislative mandate under AB 32, the CARB developed a Scoping Plan that contains the main strategies California will use to reduce GHG from Business-as-Usual (BAU) emissions projected from 2020 levels back down to 1990 levels. BAU is the projected emissions caused by growth, without any GHG reduction measures. CARB determined that a 29% reduction from BAU is necessary to achieve the 1990 GHG emission level. On December 11, 2008, ARB adopted its AB 32 Scoping plan, setting forth the framework for future regulatory action on how California will achieve the goal of reducing GHG emissions to 1990 levels.

### Cap & Trade

The AB 32 Scoping Plan identifies a Cap and Trade program as one of the strategies California will employ to reduce the GHG emissions that cause climate change. The Cap and Trade program is implemented by the California Air Resources Board (CARB) and caps GHG emissions from the industrial, utility, and transportation fuels sectors – which account for roughly 85% of the state’s GHG emissions.

The program works by establishing a hard cap on about 85% of total statewide GHG emissions. The cap starts at expected BAU emissions levels in 2012, and declines 2-3% per year through 2020. Fewer and fewer GHG emissions allowances are available each year, requiring covered sources to reduce their emissions or pay increasingly higher prices for those allowances. The cap level is set in 2020 to ensure California complies with AB 32’s emission reduction target of returning to 1990 GHG emission levels.

The scope of GHG emission sources subject to Cap and Trade in the first compliance period (2013-2014), include:



- All electricity generated and imported into California. The first deliverer of electricity into the state is the capped entity (the one that will have to purchase and surrender allowances).
- Large industrial facilities emitting more than 25,000 metric tons of GHG pollution/year. Examples include oil refineries and cement manufacturers.

The scope of GHG emission sources subject to Cap and Trade during the second compliance period (2015-2017), expands to include distributors of transportation fuels (including gasoline and diesel), natural gas, and other fuels. The regulated entity will be the fuel provider that distributes the fuel upstream (not the gas station). In total, the Cap and Trade program is expected to include roughly 350 large businesses, representing about 600 facilities. Individuals and small businesses will not be regulated. Under the program, companies do not have individual or facility-specific reduction requirements. Rather, all companies covered by the regulation are required to turn in allowances in an amount equal to their total greenhouse gas emissions during each phase of the program. The program gives companies the flexibility to either trade allowances with others or take steps to cost-effectively reduce emissions at their own facilities. Companies that emit more will have to turn in more allowances. Companies that can cut their emissions will have to turn in fewer allowances. Furthermore, as the cap declines, total emissions are reduced.

On October 20, 2011, CARB's Board adopted the final Cap and Trade regulation and Resolution 11-32. As part of finalizing the regulation, the Board considered the related environmental analysis and, consistent with CEQA requirements, approved CARB's functionally equivalent document (FED).

### CEQA Requirements

In December, 2009, the California Natural Resources Agency (NRA) amended the CEQA Guidelines to include Global Climate Change, which is now generally accepted by the scientific community to be occurring and caused by GHG emissions. The amendments address analysis and mitigation of the potential effects of GHG emissions in CEQA documents. In their *Final Statement of Reasons for Regulatory Action*, NRA recognizes that the analysis of GHG emissions in a CEQA document presents unique challenges to lead agencies. NRA amended section 15064(h)(3) of the CEQA guidelines to add compliance with plans or regulations for the reduction of GHG emissions to the list of plans and programs that may be considered in a cumulative impacts analysis. In their *Final Statement of Reasons for Regulatory Action*, NRA discusses that AB 32 requires CARB to adopt regulations that achieve the maximum technologically feasible and cost effective GHG reductions to reach the adopted state-wide emissions limit. NRA goes on to state that a lead agency may consider whether CARB's GHG reduction regulations satisfy the criteria in existing subdivision (h)(3).



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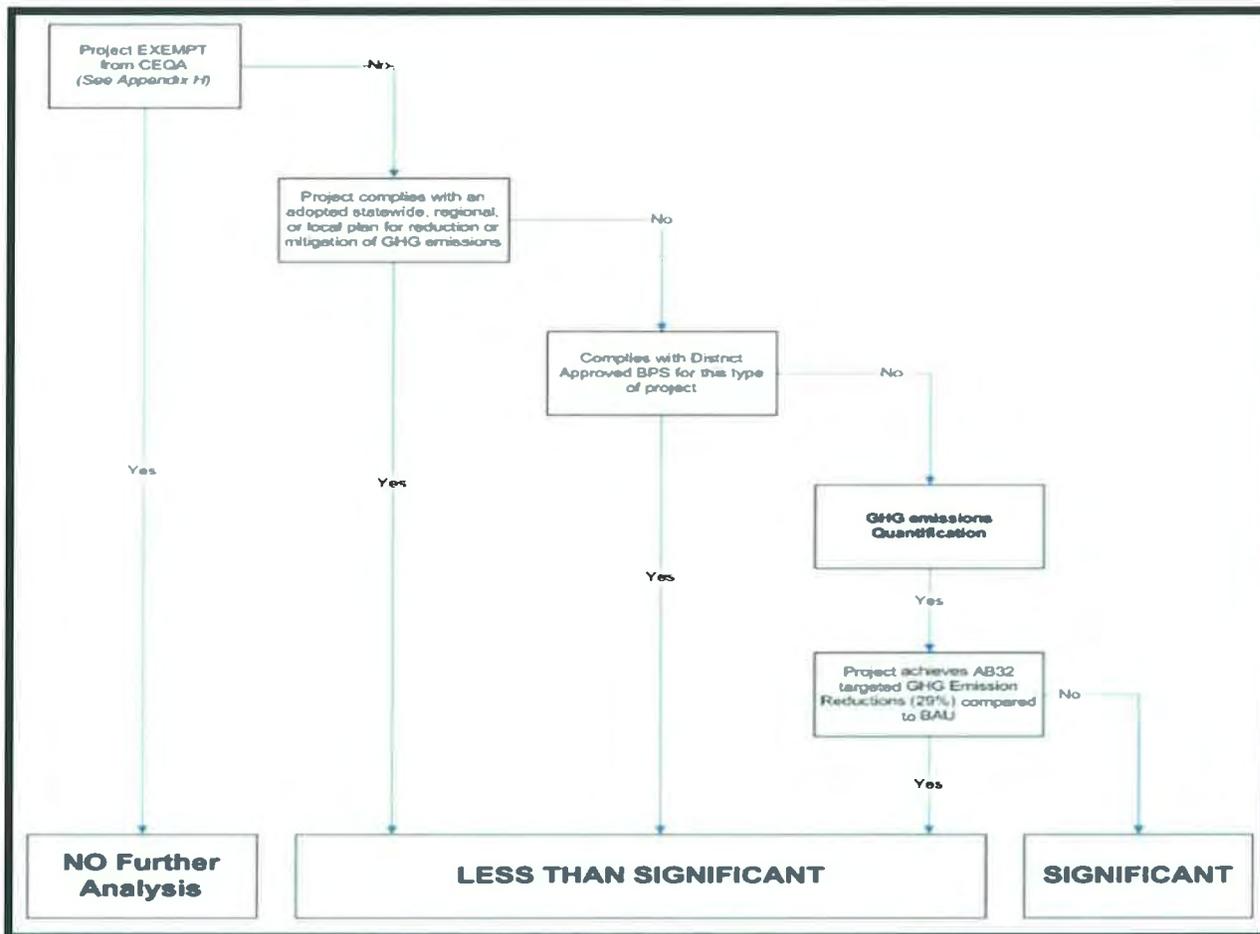
### District CEQA Policy

CEQA requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. On December 17, 2009, the District adopted the policy "*District Policy (APR 2005) – Addressing GHG Emissions Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*" and approved the District's guidance document for use by other agencies when addressing GHG impacts as lead agencies under CEQA. The policy applies to all District permitting projects that have an increase in GHG emissions, regardless of the magnitude of the increase. Under this policy, the District's determination of significance of project-specific GHG emissions is founded on the principal that projects with GHG emission reductions consistent with AB 32 emission reduction targets are considered to have a less than significant impact on global climate change.

As illustrated below in Figure 14, the District's board-adopted policy for determining significance of project-specific GHG emissions employs a tiered approach. Of specific relevance to Cap and Trade is the provision that: "Projects complying with an approved GHG emission reduction plan or GHG mitigation program, which avoids or substantially reduces GHG emissions within the geographic area in which the project is located, would be determined to have a less than significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or approved by the lead agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the lead agency. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement best performance standards BPS." Projects that do not comply with such a plan or program must incorporate BPS or undergo a project-specific analysis demonstrating that GHG emissions would be reduced by at least 29%, as compared to BAU.



**Figure 14: Determination of Significance for Stationary Source Projects**



Determination of Significance of GHG Emissions for Projects Subject to an Approved GHG Emissions Reduction Plan

The NRA amended the CEQA Guidelines to include Global Climate Change and added compliance with plans or regulations to reduce GHG emissions to the list of plans and programs that should be considered in a cumulative impacts analysis. In their *Final Statement of Reasons for Regulatory Action*, NRA discusses that AB 32 requires the CARB to adopt regulations that achieve the maximum technologically feasible and cost effective GHG reductions to reach the adopted state-wide emissions limit. NRA goes on to state that a lead agency may consider whether CARB’s GHG reduction regulations satisfy the criteria in section 15064(h)(3).

The District’s board-adopted policy determines that “Projects complying with an approved GHG emission reduction plan or GHG mitigation program, which avoids or substantially reduces GHG emissions within the geographic area in which the project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or



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approved by the lead agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the lead agency.”

AB 32, and the AB 32 scoping plan adopted by CARB, is a GHG reduction plan for CEQA purposes. It is directly and wholly responsible for meeting the GHG reduction targets of the State of California and is supported by an environmental review process that has been successfully defended in court as equivalent to, and compliant with, CEQA requirements. However, there are some sources of GHG emissions that are discussed in the AB 32 scoping plan that are not required to mitigate emissions via implementation of the plan, and some of the plan is devoted to implementing regulations that address existing emissions, and will have only minimal impact on increases in emissions. Since it is these increases that must be addressed under CEQA, the District conducts its own analysis to determine whether compliance with AB 32 and its scoping plan are adequate to conclude that a particular GHG emissions increase is less than significant.

#### Determination of Significance of GHG Emissions for Projects Subject to CARB's GHG Cap and Trade Regulation

One regulation proposed in the AB 32 scoping plan that does address increases in GHG emissions is the Cap and Trade regulation discussed above. Facilities subject to the Cap and Trade regulation are subject to an industry-wide cap on overall GHG emissions, and any growth in emissions must be accounted for under that cap, so that a corresponding and equivalent reduction in emissions must occur to allow any increase. Further, the cap decreases over time, resulting in an overall decrease in GHG emissions. It is therefore reasonable to conclude that facilities subject to and in compliance with CARB's Cap and Trade requirements will not, and in fact, cannot, contribute significantly towards any global GHG emissions growth. While this inherent mitigation process is not a necessary component of a finding that compliance with a plan for the reduction of greenhouse gas emissions may be considered in a cumulative impact analysis [(CCR §15064(h)(3))], the fact that all growth in emissions at covered sources is mitigated provides a certainty that compliance with the Cap and Trade program eliminates any potential for significant impacts from those GHG emissions.

#### Determination of Significance of GHG Emissions for Projects Achieving AB 32 Targeted GHG Emission Reduction (29%) Compared to BAU and Projects Covered Under Cap and Trade Regulation

Since the facility's stationary source emissions are not a covered entity under the Cap and Trade regulation, and BPS has not been established for the source category, the District has conducted an assessment of GHG emissions associated with the Project.

On November 4, 2008, California voters passed Proposition 2 (Standards for Confining Farm Animals Initiative) on the ballot. Proposition 2 required calves raised for veal, egg-laying hens, and pregnant pigs be confined in ways that allow these animals to lie



down, stand up, fully extend their limbs and turn around freely. As such, the California Department of Food and Agriculture adopted Section 1350 (Shell Egg Food Safety) of Title 3 of the California Code of Regulations which lists stocking density guidelines for all hens whose eggs are sold in California.

Table 7 below presents the minimum floor space per number of hens in an enclosure.

**Table 7: Hens per Enclosure**

Number of Hens	1	2	3	4	5	6	7	8	≥9
Square Inches/Hens	322	205	166	146	135	127	121	117	116

Barnhart Ranch is designed in accordance with the stocking densities required by Section 1350, which went into effect on January 1, 2015. As such, the Project provides five poultry house for 1,830,000 hens. By complying with Proposition 2 Section 1350, the District determined the Project is expected to generate a total of 3,142 metric tons of CO<sub>2</sub>eq/year.

However, if Barnhart Ranch were operating in the BAU baseline period of 2002-2004 as identified in CARB's Scoping Plan, there were not stocking density requirements such as those required now by Proposition 2. As such, Barnhart Ranch would be capable of housing more hens in the same amount of space. Based on pre-Proposition 2 standards, Barnhart Ranch would be capable of housing 598,284 hens per house, for a total of 2,991,420 hens in five poultry houses. Therefore under pre-Proposition 2 standards, Barnhart Ranch would generate a total of 5,136 metric tons of CO<sub>2</sub>eq/year of GHG emissions.

Based on the pre and post Proposition 2 standards described above, Project stationary source emissions result in approximately 38.8% reduction compared to BAU. As such, the District concludes that the Project stationary source emissions achieve the AB 32 targeted GHG emission reductions of 29% compared to BAU.

Although Barnhart Ranch is not considered a covered entity under the Cap and Trade regulation, the regulation now includes distributors of transportation fuels (including gasoline and diesel), natural gas, and other fuels. This accounts for combustion of fossil fuels including transportation fuels used in California (on and off road including locomotives). As such, mobile sources, and off-road sources associated with the Project are covered under the Cap and Trade regulation. Therefore, the District finds that compliance with AB 32 targeted GHG emission reductions of 29% compared to BAU and compliance with ARB's Cap and Trade regulation, the Project will have a less than significant individual and cumulative impact on global climate change.



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VIII. Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?			✓	
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?			✓	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓	

## VIII. HAZARDS & HAZARDOUS MATERIALS

### Hazardous Materials and Exposure to the Public (a-d)

**Conclusion:** The Project will not expose the public to hazardous materials, and impacts will have a less than significant impact to no impact.



**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

The areas immediately surrounding the Project are zoned General Agriculture and is currently operating as active farmland. The Project is not located on a site that meets the definition of Government Code Section 65962.5, which requires specific hazardous waste facilities to submit required information to the Department of Toxic Substances Control (DTSC). The closest sensitive receptor is a residence located approximately 1,350 feet from the Project site. The District has conducted a risk screening analysis indicating that the Project would not pose a significant risk to the nearest receptor. Therefore, the Project will not expose the public to hazardous materials or substances.

The Project is not expected to create any hazardous materials that may need to be disposed of, and as such nor will transportation of hazardous be expected. In the event hazardous materials will be handled and need to be disposed of, it will be done in accordance with Federal, State and local regulations (such as the Solid Waste Management Act, the Hazardous Materials Transportation Act, and the Hazardous Waste Control Act). Also, the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) is responsible for developing and enforcing safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA obligates many businesses and facilities to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle, if need be.

As such, impacts resulting from the accidental release of hazardous materials from the Project are not expected to have a significant impact on the environment. Therefore, there is no substantial evidence of record to support a conclusion that accidental release of hazardous materials, and the transportation use, or disposal of hazardous materials would have a significant hazard impact to the public.

**Mitigation:** None required.

### **Airports and Airstrips (e, f)**

**Conclusion:** The Project will have a less than significant impact on the safety of people working or residing in the Project area due to its proximity to airports or airstrips.

**Discussion:** The Project site is not located within two (2) miles of a private airport, public airport or public use airport. The nearest active public airports are the Modesto



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City-co-harry Sham Fld and the Modesto City-County Airport which are located approximately six (6) miles from the Project site. Therefore the District concludes that there is no substantial evidence of record to support a conclusion that the Project's location near airports or airstrips would pose a risk to people residing or working in or near the Project area.

**Mitigation:** None required.

**Emergency Response (g)**

**Conclusion:** The Project will not interfere with emergency response.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use from operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

The Safety Element within the Stanislaus County General Plan provides goals, policies and implementation measures which outline the appropriate departments responsible for responding to potential emergency situations. In Stanislaus County, the County Office of Emergency Services is the department responsible for ensuring proper evacuation in case of an emergency situation. In case of an emergency situation, the Project site is properly equipped with adequate circulation systems (i.e – access roads) and furthermore, no County or State designated emergency evacuation routes are identified near the Project site.

Construction of the Project will be temporary in nature consisting of site preparation, minor trenching, paving, worker trips, and the erection of metal buildings. Construction activities are not anticipated to span out to public roads causing any potential lane closure. For operations, since the Project site will be properly equipped with circulation systems and access roads, it will not impair or physically interfere with the implementation of adopted emergency response and evacuation plans. The Project will not demolish any existing public roadways and would not interfere with existing emergency response or evacuation plans. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would interfere with emergency response.

**Mitigation:** None required.



### **Fire Protection (h)**

**Conclusion:** The Project would not expose people or structures to significant risk of loss due to a potential wildlife fire.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use from operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

According to California Fire (CAL Fire), the Project site is located in an “unzoned” fire hazard severity zone in a Local Responsibility Area (LRA). The Keyes Fire District is located approximately six (6) miles from the Project site and is the responsible primary provider for fire suppression and prevention services for the Project. Potential fire risks associated with the Project for construction will be very “low” because the site will be prepped with minor trenching for utilities, and a concrete foundation pad for erection of the cage free barns which will comprise of metal buildings. Construction of the Project will be in accordance with the California Building Code and County of Stanislaus building requirements. For operations, the Project will not include hazardous materials that may result in a potential wildfire. Therefore, the District concludes there is no substantial evidence of record to support a conclusion the Project would expose people or structures to significant risk or loss due to a potential wildfire.

**Mitigation:** None required.

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<b>IX. Hydrology / Water Quality</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?			✓	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?			✓	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓	
f) Otherwise substantially degrade water quality?			✓	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow				✓



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## IX. HYDROLOGY / WATER QUALITY

### Water Quality and Waste Discharge (a)

**Conclusion:** The Project will not violate any water quality standards or waste discharge requirements, therefore impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

Construction of the Project includes site preparation, minor trenching, paving, worker trips, and the erection of the metal buildings. In addition, drainage swales and proper drainage will be constructed to allow for water run-off. For operations of the Project, sufficient water supply is provided from existing company owned wells on the Project site. The Project anticipates consuming approximately 77,000 gallons of water per day. Water run-off from the Project will be kept free of fecal contamination through a designed drainage plan which will allow for natural percolation of water into the landscaped grounds or adjacent company owned orchards. In addition, the Project site will be equipped with a proper drainage swales and depressions to ensure the proper drainage of any potential water or wastewater. Furthermore, the Project will be equipped with a “processing machine” which contains technologies to greatly reduce solids, and fats in waste water. The “processing machine” is equipped with a Clean In Place (CIP) technology that recues the amount of wash water from the Project. Minimal wash water from the operations of the Project (i.e. – leaking and broken eggs) will have minimal solids, fats and inorganic chemicals. This water will go through a series of settling and treatments, and later, will be applied to landscaping on-site grounds or adjacent company owned orchards as part of the Nutrient Management Plan. Therefore, the District concludes the Project will have a less than significant impact on water quality and water discharge.

**Mitigation:** None required.

### Groundwater Supplies (b)

**Conclusion:** The Project will have a less than significant impact on groundwater supplies and groundwater recharge.

**Discussion:** Operation of the Project will require the use of water with peak consumption occurring in the summer period for approximately three (3) months. The Project anticipates consuming approximately 77,000 gallons of water per day. Each



cage free barn will contain cooling cells, which are used to filter water to regulate the temperature inside each cage free barn. By regulating the temperature within each cage free barn, it enables Barnhart Ranch to maximize efficiency in egg production. Any excess water is filtered through the cooling cells, is then filtered into a tank and recycled. The Project maintains sufficient water supply which is provided by existing company owned wells on the Project site and will not substantially deplete ground water supplies. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

#### **Alter Existing Drainage Patterns Resulting in Erosion/Siltation (c)**

**Conclusion:** The Project does not have the potential to substantially alter existing drainage patterns resulting in substantial erosion or siltation. As such, impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. No streams or rivers are located on the Project site. The Project site will be equipped with proper drainage swales and depressions to allow for the flow of surface run-off, which would inhibit any erosion or siltation from occurring on- or off-site. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

#### **Alter Existing Drainage Patterns Resulting in Flooding (d)**

**Conclusion:** The Project does not have the potential to substantially alter existing drainage patterns resulting in flooding, as such, impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. No streams or rivers run through the Project site. Water activities occurring during construction activities or precipitation at the Project site is rarely sufficient to cause flooding. For operations, the Project site will be equipped with proper drainage swales and depressions to ensure the proper drainage of any potential water or waste water. Furthermore, the Project will be equipped with a “processing machine” which contains technologies to greatly reduce solids, and fats in waste water. The “processing machine” is equipped with a Clean In Place (CIP) technology that reduces the amount of wash water from the Project. Minimal wash water from the operations of the Project (i.e. – leaking and broken eggs) will have minimal solids, fats and organic



chemicals. This water will go through a series of settling and treatments, and later, will be applied to landscaping on-site grounds or adjacent company owned orchards as part of the Nutrient Management Plan.

Each cage free barn will contain cooling cells, which are used to filter water to regulate the temperature inside each cage free barn. By regulating the temperature within each cage free barn, it enables Barnhart Ranch to maximize efficiency in egg production. Any excess water is filtered through the cooling cells, is then filtered into a tank and recycled. The Project does not have the potential to cause significant flooding. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

### **Contribute Water Runoff (e)**

**Conclusion:** The Project does not have the potential to substantially alter existing drainage patterns resulting in flooding, as such, impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. Water run-off during construction will be captured in drainage swales and depressions to allow for surface run-off. Construction activities are temporary in nature, as such, water activities or precipitation at the Project site is rarely sufficient to cause run-off. For operations, the Project site will be equipped with proper drainage swales and depressions to ensure the proper drainage of any potential water or waste water. Furthermore, the Project will be equipped with a “processing machine” which contains technologies to greatly reduce solids, and fats in waste water. The “processing machine” is equipped with a Clean In Place (CIP) technology that reduces the amount of wash water from the Project. Minimal wash water from the operations of the Project (i.e. – leaking and broken eggs) will have minimal solids, fats and organic chemicals. This water will go through a series of settling and treatments, and later, will be applied to landscaping on-site grounds or adjacent company owned orchards as part of the Nutrient Management Plan.

Each cage free barn will contain cooling cells, which are used to filter water to regulate the temperature inside each cage free barn. By regulating the temperature within each cage free barn, it enables Barnhart Ranch to maximize efficiency in egg production. Therefore, the impact will be less than significant.

**Mitigation:** None required.



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### **Degrade Water Quality (f)**

**Conclusion:** The Project does not have the potential to substantially degrade water quality, as such, impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. Construction and operational activities associated with the Project may potentially affect water quality, however, the Project will be equipped with proper drainage swales so that water run-off is properly disposed of. Existing on-site water wells maintain a sufficient supply of water for the Project, thus minimizing the potential for existing water supply to be degraded. Furthermore, each cage free barn contains cooling cells which filter water to cool the outer layers of the building. Any excess water filtered through the cooling cells, is then filtered into a tank and recycled. Therefore, the Project is not anticipated to degrade water quality, and as such, impacts are less than significant.

**Mitigation:** None required.

### **Flood Hazard Area (g)**

**Conclusion:** The Project will not place housing within 100-year flood hazard area, therefore the Project will have no impact.

**Discussion:** The Project does not include the construction of any housing units and is not located within 100-year flood zone as mapped on the Flood Insurance Rate Maps; nor is the Project located in a Flood Hazard Safety Zone as designated by Stanislaus County. Therefore, the Project will have no impact.

**Mitigation:** None required.

### **Impede or Redirect Flood Flows (h)**

**Conclusion:** The Project is not located in a 100-year flood hazard area. As such, the Project will not impede or redirect flood flow. Therefore, the Project will have no impact.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses. The Project site is not located within the 100-year flood zone as mapped on



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the Flood Insurance Rate Maps nor is the Project located in a Flood Hazard Safety Zone as designated by Stanislaus County. Therefore, the Project will have no impact.

**Mitigation:** None required.

**Expose People or Structures to Significant Risk (i)**

**Conclusion:** The Project will not expose people or structures to a significant risk, injury or death as a result of failure of a levee or dam. Therefore, the Project will have no impact.

**Discussion:** The Project site will not place people or structures within any area that is subject to flooding through any cause, including as a result of failure of a levee or dam. According to the Federal Emergency Management Agency (FEMA) – Flood Hazard Areas, the Project site is designated as “moderate to low risk” for flooding. There will not be any habitable structures proposed for construction. Therefore, the Project will have no impact.

**Mitigation:** None required.

**Inundation by seiche, tsunami or mudflow (j)**

**Conclusion:** The Project will not result in an inundation by seiche, tsunami, or mudflow. Therefore, the Project will have no impact.

**Discussion:** The Project site is not within a county that is identified in the Tsunami Inundation Maps prepared by the California Geological Survey. Therefore, the Project will have no impact.

**Mitigation:** None required.

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<http://www.stancounty.com/planning/pl/general-plan.shtm>.

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

Google Maps. June 2015.

X. Land Use / Planning Would the Project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

**X. LAND USE/PLANNING**

**Land Use/Planning, Habitat Conservation and Natural Community Plans (a, b, c)**

**Conclusion:** The Project will not physically divide an established community, nor conflict with any established land use planning, zoning requirements, habitat conservation or natural community conservation plans.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) which consists of an expansion to the existing egg laying hen ranch. The proposed Project is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use operating as an egg laying hen ranch and is consistent with current and surrounding land uses. The areas in the immediate surrounding area are actively farmed and zoned for agricultural uses.

There is no established community that may be physically divided due to this Project. Thus, the District concludes that the Project will not divide an established community and will not conflict with any applicable land use or habitat conservation plans.



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Therefore, the Project will have no environmental impacts on land use/planning and Habitat/Natural Community Plans.

**Mitigation:** None required.

**References**

California Department of Fish and Wildlife. *Natural Community Conservation Planning*. Website: <http://www.dfg.ca.gov/habcon/nccp/>.

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

County of Stanislaus. Stanislaus County Code, Zoning Ordinance. Website: <http://qcode.us/codes/stanislauscounty/>

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

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United States Fish and Wildlife Service. *Habitat Conservation Plans*. Website: <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>.



<b>XI. Mineral Resources</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

## XI. MINERAL RESOURCES

### Mineral Resources (a, b)

**Conclusion:** The Project will have no impact on loss of availability of a regional, state, or locally important mineral resource.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Surface Mining and Reclamation Act of 1975 (SMARA) mandated the initiation by the State Geologist of mineral land classification in order to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB) to designate lands containing mineral deposits of regional or statewide significance. Construction aggregate was selected by SMBG to be the initial commodity target for classification because of its importance to society, its unique economic characteristics, and the imminent threat that continuing urbanization poses to that resource.

According to the California Geological Survey's Aggregate Availability Map, the Project is not located in or within the vicinity of a site being used for aggregate production. As such, the Project has no potential to result in the loss of availability of a known resource. Furthermore, the Project has been determined by the County of Stanislaus to be a continuation of an agricultural use operating as an egg laying hen ranch and is consistent with current and surrounding land uses. Therefore, the District concludes that there is no substantial evidence of record to support a conclusion that the Project would result in the loss of known mineral resources.

**Mitigation:** None required.



**References**

California Department of Conservation, California Geological Survey. *Mineral Resources*. Website: [http://www.conservation.ca.gov/cgs/geologic\\_resources/mineral\\_resource\\_mapping/Pages/Index.aspx](http://www.conservation.ca.gov/cgs/geologic_resources/mineral_resource_mapping/Pages/Index.aspx).

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

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Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

<b>XII. Noise</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?			✓	
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?				✓
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?				✓



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## XII. NOISE

### **Exposure of Persons to Noise (a)**

**Conclusion:** The Project may result in the exposure of persons to increased levels of noise in the Project vicinity; however, the potential impacts are less than significant.

**Discussion:** The Stanislaus County General Plan Noise Element identifies the following land uses as noise sensitive:

- Schools
- Hospitals
- Convalescent Homes
- Churches

The Project may result in a slight increase in ambient noise levels. However, noise types and volumes associated with the Project will be consistent with current land use and existing egg laying hen ranch operations. The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The nearest sensitive receptor is a residence to the Project and is located approximately 1,350 feet from the Project site. Furthermore, there are no schools, hospitals, convalescent homes and churches within the immediate vicinity of the Project. As such, the Project would not expose persons to noise levels in excess of standards established in the Noise Element for Agricultural projects in the Stanislaus County General Plan. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

### **Exposure of Persons to Excessive Groundborne Noise (b)**

**Conclusion:** The Project may result in the exposure of persons to excessive groundborne noise levels in the Project vicinity; however, the potential impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The Project may result in a slight increase in groundborne vibration or groundborne noise levels during construction and operation. However, groundborne vibration and noise levels associated with these activities are expected to be minor and will not exceed decibel levels established by Stanislaus County. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.



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### **Permanent Increase in Ambient Noise Levels (c)**

**Conclusion:** The Project may result in a slight increase in ambient noise levels in the Project vicinity; however, the potential impacts are less than significant.

**Discussion:** The Project may result in a permanent increase in ambient noise levels. However, noise types and volumes will be consistent with current land use and existing egg laying hen ranch operations. The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. State and federal standards set by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulate the amount of time workers may be exposed to sound levels above 90 decibels (dBA). However, the County of Stanislaus has identified 60 dBA as an interior noise threshold for development projects. As such, the Project will comply with all Stanislaus County noise requirements consistent with the Noise Element in the Stanislaus County General Plan which has a less stringent dBA than OSHA. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

### **Temporary or Periodic Increase in Ambient Noise Levels in Project Vicinity (d)**

**Conclusion:** The Project may result in a slight increase in ambient noise levels in the Project vicinity; however, the potential impacts are less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The County of Stanislaus has identified 75 dBA as "Normally Unacceptable" for Agricultural land uses. During construction activities, noise levels are expected to be elevated. However, the elevation in noise is temporary and will subside once construction of the Project is complete. Noise types and volumes during operations will be consistent with current land use and existing egg laying hen ranch operations. Furthermore, the Project will be consistent with the exterior noise exposure for agricultural land uses established by the County of Stanislaus. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

### **Located within an Airport Land Use Plan/Exposing People in Project Area (e)**

**Conclusion:** The Project will have no impact on people residing or working in the Project area.

**Discussion:** The Project site is not located within two (2) miles of a public airport. The nearest public airports are the Modesto City-co-harry Sham Fld and the Modesto City-



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County Airport which are located approximately six (6) miles from the Project site. Therefore, the Project will have no noise impact on people residing or working in the Project area.

**Mitigation:** None required.

**Located within a Private Airstrip resulting in Excessive Noise Levels (f)**

**Conclusion:** The Project may result in a slight increase in ambient noise levels in the Project vicinity; however, the potential impacts are less than significant.

**Discussion:** The Project site is not located within the vicinity of a private airport. Therefore, the Project will have no impact on people residing or working in the Project area.

**Mitigation:** None required.

**References**

County of Stanislaus. *General Plan*. Website:  
<http://www.stancounty.com/planning/pl/general-plan.shtm>.

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication



<b>XIII. Population / Housing</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

### XIII. POPULATION AND HOUSING

#### Population and Housing (a, b, c)

**Conclusion:** The Project will not result in a displacement or replacement in housing or a substantial growth in population.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use operating as an egg laying hen ranch and is consistent with current and surrounding land uses. The Project does not include the development of homes or businesses, nor does it include the extension of roads or infrastructure. The Project will require twenty-two (22) employees when built-out to full capacity and thus will not increase substantial population growth in the area, nor displace a substantial number of existing housing, or necessitating the construction of replacement housing elsewhere. Therefore, the District concludes that the Project is not growth inducing and will have no impact on population/housing.

**Mitigation:** None needed.

#### References

County of Stanislaus. *General Plan*. Website: <http://www.stancounty.com/planning/pl/general-plan.shtm>.

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>



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<b>XIV. Public Services</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?				✓
ii) Police protection?				✓
iii) Schools?				✓
iv) Parks?				✓
v) Other public facilities?				✓

**XIV. PUBLIC SERVICES**

**Fire Protection (a,i)**

**Conclusion:** The Project will not result in an increased demand for fire protection services.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use for operating as an egg laying hen ranch and is consistent with current and surrounding land uses.

The Project is located in a Local Responsibility Area (LRA) for fire protection. CAL Fire has determined the Project is located in a fire hazard severity zone designated as “unzoned” and is under the response of the Keyes Fire District in case of an emergency. The Project will be constructed to conform to the requirements of the California Building Code, California Fire Code and Federal Safety standards. As such, construction and



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operation of the Project in accordance with these standards will minimize the potential for a fire. The Keyes Fire District is located approximately six (6) miles from the Project site. No new or altered police protection facility would be necessary. No additional increase in fire protection demand is anticipated as a result of the Project. Therefore, there is no substantial evidence of record to support a conclusion that the Project would have a negative impact on existing fire protection services.

**Mitigation:** None required.

### **Police Protection and Other Public Facilities (a.ii – a.v)**

**Conclusion:** The Project will not result in an increased demand for police protection or other public facilities, nor will the Project result in a decrease in response times.

**Discussion:** The Stanislaus County Sherriff's Department is the nearest police station located approximately three (3) miles from the Project site. The Project will include twenty-two (22) employees at full build-out. It will not increase the population in the surrounding area nor require additional schools, parks, or other public facilities. As such, a lack of substantial increase in population precludes the possibility of the Project having a negative impact on police services, local schools and parks, or other public facility. Therefore, there is no substantial evidence of record to support a conclusion that the Project would have a significant impact on public facilities and services.

**Mitigation:** No mitigation is required.

### **References**

California Fire. Fire Hazard Severity Zones in Local Responsibility Areas for Stanislaus County. Website: [http://frap.fire.ca.gov/webdata/maps/stanislaus/fhszl06\\_1\\_map.50.pdf](http://frap.fire.ca.gov/webdata/maps/stanislaus/fhszl06_1_map.50.pdf)

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

County of Stanislaus Consolidated Fire. County/Fire District Map. Website: <http://www.scfpd.us/index.cfm?Section=1&pagenum=205&titles=0>

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

Google Maps. April 2015.



<b>XV. Recreation</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

**XV. RECREATION**

**Recreational Facilities (a, b)**

**Conclusion:** The Project will not have an impact on neighborhood or regional parks, or any other local recreational facilities.

**Discussion:** The Project will be located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The total site consists of seventy-seven and half (77.52) acres, however, the proposed Project will only comprise thirty (30) acres of it. The Project has been determined by the County of Stanislaus to be a continuation of an agricultural use operating as an egg laying hen ranch and is consistent with current and surrounding land uses. The Project area currently does not contain a recreational facility nor does the Project propose or require the construction or expansion of recreational facilities. No increase in the use of existing recreational facilities or deterioration would occur. Construction and operation of the Project will not increase population of the surrounding area and therefore will not increase demand for recreation.

**Mitigation:** None required.

**References**

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

County of Stanislaus. *General Plan*. Website: <http://www.stancounty.com/planning/pl/general-plan.shtm>.



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<b>XVI. Transportation / Traffic</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				✓



## **XVI. TRANSPORTATION / TRAFFIC**

### **Conflict with Transportation, Transit Plans or Circulation Systems (a)**

**Conclusion:** The Project will not conflict with any circulation plans or circulation systems.

**Discussion:** The Project site is located within the sphere and circulation systems of Stanislaus County, and as such, the Stanislaus County General Plan Circulation Element strives to include circulation systems that are designed to minimize traffic congestion, while also maintaining traffic safety. Stanislaus County implements a policy to maintain Level of Service (LOS) C for all County roadways and intersections, except within the sphere of influence of a city with an adopted lower LOS standard (than the city standard shall apply). LOS is ranked from A to F, with A being the best and F being the worst. LOS A being the best is identified as “free flow traffic, low volumes and densities; little or no restriction on maneuverability or speed; and no delays.” LOS F as being the worst is identified as “forced traffic flow; speed and flow may drop to zero with high densities; and considerable delays.” An LOS C indicates that traffic can move relatively freely without any traffic congestion. California State Highway 99 is located to the east of the Project site and serves as the main local access road. East Keyes Road connects to California State Highway 99 and runs west, before connecting to Bystrum Road to access the Project site. At full build-out the Project will generate approximately twenty-two (22) employee vehicle trips and seventeen (17) truck trips per day during operations, however it will not delay or result in congestion of intersections or roadways. The Project site is located in the unincorporated area of Stanislaus County where access roads do not include bike lanes or sidewalks. Existing transit circulation systems will not be altered during Project activities, as only authorized personnel will have access to the Project site. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

### **Conflict with an Applicable Congestion Management Program (b)**

**Conclusion:** The Project related traffic will not conflict with an applicable Congestion Management Program.

**Discussion:** The Stanislaus County Congestion Management Plan (CMP) establishes Level of Service (LOS) D as the standard for Stanislaus County and cities within the region. LOS is a qualitative measure that represents the collective factors of speed, travel time, traffic interruptions, freedom of maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition. LOS is ranked from A to F, with A being the best and F being the worst. LOS A being the best is identified as “free flow traffic, low volumes and densities; little or no restriction on maneuverability or speed; and no delays.” LOS F as being the



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worst is identified as “forced traffic flow; speed and flow may drop to zero with high densities; and considerable delays.” The access roads to the Project site are California State Highway 99, East Keyes Road, Barnhart Road and Bystrum Road which are not expected to exceed the LOS D standard. California State Highway 99 serves as the preferred route to the main access road of East Keyes, Barnhart Road and Bystrum Road in order to access the Project site. The daily traffic generated by this project is minimal at twenty-two (22) employee trips and seventeen (17) truck trips. As such, the Project will not conflict with the Stanislaus County CMP. Therefore, the Project will have a less than significant impact.

**Mitigation:** None required.

**Change Traffic Patterns (c)**

**Conclusion:** The Project will not result in a change in air traffic patterns that results in substantial safety risks.

**Discussion:** The Project site is not located within two (2) miles of a private or public airport. The nearest public airports are the Modesto City-co-harry Sham Fld and the Modesto City-County Airport which are located approximately six (6) miles from the Project site. Project construction and operation will not result in a change in air traffic patterns and thus, would not result in safety risks. Therefore, the Project will have no impact on air traffic patterns.

**Mitigation:** None required.

**Increase Hazards Due to Design Features (d)**

**Conclusion:** The Project will not increase hazards due to design features (i.e – sharp curves or dangerous intersections) or incompatible uses (i.e – farm equipment).

**Discussion:** The Project will not include the construction of new public roads or alterations to existing public roads or intersections. The only road to be constructed is to connect the facility parking lot to the main frontage access road. As such, the Project will not result in hazards due to design features such as sharp curves, dangerous intersections, or incompatible uses. All main access roads to the Project site are existing. Therefore, the Project will have no impact.

**Mitigation:** None required.



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### **Emergency Access (e)**

**Conclusion:** The Project will not result in inadequate emergency access.

**Discussion:** The Project site and surrounding roadway network do not have any conditions that would restrict or delay emergency vehicle access to the Project site. The Project site is accessible via California State Highway 99, East Keyes Road. Furthermore, the Stanislaus County Safety Element requires new development to be designed with adequate access for emergency vehicles. Therefore, the Project will have no impact on emergency access.

**Mitigation:** None required.

### **Conflict with Adopted Policies, Plans, or Programs for Safety (f)**

**Conclusion:** The Project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities that would decrease the performance of safety.

**Discussion:** The Project site is located in the unincorporated area of Stanislaus County where access roads do not include bike lanes or sidewalks for pedestrian access. Also, no existing roadways will be altered during Project activities. No new roads will be newly constructed, only Barnhart Road and Bystrum will undergo minor improvements. The Project will have restricted access and unauthorized bicyclists and pedestrians will not have access to the Project site. Therefore, the Project will not conflict with any existing adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities. The Project will have no impact.

**Mitigation:** None required.

### **References**

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

County of Stanislaus. *Congestion Management Process for the Stanislaus County Region*. Website: <http://www.stancog.org/cmp.shtm>

County of Stanislaus. *General Plan*. Website: <http://www.stancounty.com/planning/pl/general-plan.shtm>.

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.



Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

Google Maps. June 2015.

<b>XVII. Utilities / Service Systems</b> Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e) Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?			✓	
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓



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## XVII. UTILITIES / SERVICE SYSTEMS

### **Wastewater Treatment and Facilities (a, b, e)**

**Conclusion:** The Project will not exceed wastewater treatment requirements or result in the construction of a wastewater treatment facility, thus impacts will be less than significant.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. The facility receives water from existing company owned wells on the Project site with the potential to consume approximately 77,000 gallons of water per day

Water run-off from the Project will be kept free of fecal contamination through a designed drainage plan which will allow for natural percolation of water into the landscaped grounds or adjacent company owned orchards. In addition, the Project site will be equipped with proper drainage swales and depressions to ensure the proper drainage of any potential water or wastewater. Furthermore, the Project will be equipped with a “processing machine” which contains technologies to greatly reduce solids, and fats in waste water. The “processing machine” is equipped with a Clean In Place (CIP) technology that recues the amount of wash water from the Project. Minimal wash water from the operations of the Project (i.e. – leaking and broken eggs) will have minimal solids, fats and inorganic chemicals. This water will go through a series of settling and treatments, and later, will be applied to landscaping on-site grounds or adjacent company owned orchards as part of the Nutrient Management Plan.

The Project will not generate any water or wastewater that would require construction of a wastewater treatment facility. Since the Project will not require the construction of a wastewater treatment facility, it will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. Currently, any groundwater is recharged for irrigation of the property through a nutrient management plan. Furthermore, the Project is for the expansion of an existing egg laying egg hen ranch and does not involve wastewater treatment facilities. Therefore, the District concludes the Project will have a less than significant impact on wastewater treatment providers.

**Mitigation:** None required.

### **Storm Water Drainage Facilities (c)**

**Conclusion:** The Project would not require the construction of new storm water drainage facilities.



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**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. However, the Project site will be equipped with proper drainage channels since it will be constructed in accordance with County and California Building Code requirements. Precipitation at the Project is rarely sufficient to cause runoff. Any runoff would either percolate near the Project site or runoff to natural drainage channels. As such, the existing egg laying hen ranch will not require construction of new storm water drainage facilities and therefore will have no impact.

**Mitigation:** None required.

#### **Water Supply (d)**

**Conclusion:** The Project has sufficient existing water supplies, and no new or expanded entitlements are required.

**Discussion:** The Project is located on a parcel zoned General Agriculture (A-2) within the existing Barnhart Ranch egg laying hen ranch facility which is a permitted by-right use pursuant to the County of Stanislaus Zoning Ordinance. Water supply is currently provided by existing company owned wells on the Project site. At full build-out the Project will consume approximately 77,000 gallons of water per day. As such, since existing water supplies are sufficient for the Project, no new or expanded entitlements are required. Therefore, the Project will have a less than significant impact on water supplies.

**Mitigation:** None required.

#### **Solid Waste Disposal (f)**

**Conclusion:** The Project will not impact existing landfills as sufficient capacity exists to dispose of potential solid waste.

**Discussion:** The Fink Road Sanitary Landfill is owned by Stanislaus County and is operated by the Department of Environmental Resources. The Landfill has been providing municipal solid waste services to Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and the unincorporated areas of Stanislaus County since opening in 1973. Solid waste will be generated as part of the Project, however Barnhart estimates that approximately 90% of the waste generated is recycled and hauled off-site. As such, only minimal waste will be disposed of by the waste providers who serve the Project site and unincorporated area of Stanislaus County. Therefore, the Landfill will be sufficient to accommodate the Project's solid waste disposal needs and as such, will have no impact.

**Mitigation:** None required.



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**Compliance with Federal, State and Local Solid Waste Regulations (g)**

**Conclusion:** The Project will comply with all federal, state, and local regulations related to solid wastes.

**Discussion:** Solid waste that is generated during construction and operation will be stored and handled with all federal and state regulations for solid waste. Therefore, the Project will have no impact.

**Mitigation:** None required.

**References**

County of Stanislaus. Environmental Resources, Landfill. Website:  
<http://www.stancounty.com/ER/landfill-division.shtm>

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

County of Stanislaus. *General Plan*. Website:  
<http://www.stancounty.com/planning/pl/general-plan.shtm>.

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.

Google Maps. June 2015.



<b>XVIII. Mandatory Findings of Significance</b>  Would the Project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively Considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?		✓		
c) Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

**Impacts on the Environment and Special Status Species (a)**

**Conclusion:** The Project will have a less than significant impact with mitigation.

**Discussion:** As demonstrated within the Initial Study, a RLB Survey has been conducted and demonstrates the Project will not result in significant impacts to special plant and animal species. In addition, with incorporation of permit conditions and mitigation measures outlined in the Initial Study, the Project will have a less than significant impact with mitigation on the environment.

**Mitigation:** See Mitigation Measure AIR-1, and CUL-1 through CUL-3.



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### **Cumulative Impacts (b)**

**Conclusion:** The Project with the incorporation of mitigation measures will not have a cumulatively significant impact on the environment.

**Discussion:** CEQA Guidelines state that a Lead Agency shall consider whether the cumulative impact of a Project is significant and whether the effects of the project are cumulatively considerable (CCR §15065). The assessment of significance of the cumulative effects of the Project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probably future projects. Due to the nature and location of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The Project is not a part of any larger planned developments. Therefore, the Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., an increase in population that could lead to an increase need to housing, increase in traffic, air pollutants, etc.). The Project will have a less than significant impact with mitigation.

**Mitigation:** See Mitigation Measures AIR-1, and CUL-1 through CUL-3.

### **Impacts on Humans (c)**

**Conclusion:** The Project with the incorporation of mitigation measures will not result in significant environmental impacts that would cause substantial adverse effects on human beings.

**Discussion:** The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have a substantial impact on human beings, either directly or indirectly. Project design elements and mitigation measures have been incorporated into the Project to reduce all potentially significant impacts to less than significant.

**Mitigation:** See Mitigation Measures AIR-1, and CUL-1 through CUL-3.

### **References**

Central California Information Center, California Historical Resources Information System. February 2015. Electronic Documentation.

Gemperle, Michael, Vice President of Gemperle Farms. Electronic and Telephone Communication.

Gemperle, Stephen, Project Development and Operation Specialist. Electronic and Telephone Communication.



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Google Maps, July 2015.

ICF International. Results of Reconnaissance-Level Biological Survey for Gemperle Farms, August 4, 2015.

County of Stanislaus. Stanislaus County Geographic Information Systems. Stanislaus County Online GIS Mapping. Website: <http://gis.stancounty.com/giscentral/>

Google Maps. July 2015.

San Joaquin Valley Unified Air Pollution Control District. June 2016. *Draft Authority to Construct: Application Review*, Applicant Number N-9091, Project Number N-1143814. Available at San Joaquin Valley Air Pollution Control District. 1990 E. Gettysburg Avenue, Fresno, CA 93726-0244.

San Joaquin Valley Unified Air Pollution Control District. June 2016. *Risk Management Review*. Barnhart Ranch Project # N-1143814. Available at San Joaquin Valley Air Pollution Control District. 1990 East Gettysburg Avenue, Fresno, CA 93726-0244.

## H. APPENDICES

- Appendix A. Acronyms and Abbreviations
- Appendix B. Mitigation Monitoring and Reporting Program
- Appendix C. Construction Emissions
- Appendix D. Draft Engineering Evaluation
- Appendix E. Risk Management Review
- Appendix F. Reconnaissance-Level Biological Survey



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## Appendix A. Acronyms and Abbreviations

AAQA	Ambient Air Quality Analysis
AAQS	Ambient Air Quality Standards
AB 32	Assembly Bill 32 – California Global Warming Solutions Act of 2006
ATC	Authority to Construct
BACT	Best Available Control Technology
BAU	Business as Usual
BPS	Best Performance Standards
Cal/OSHA	California Department of Industrial Relations - Division of Occupational Safety and Health Administration
CARB	California Air Resources Board
CBSC	California Building Standards Code
CC	County Coroner
CCIC	Central California Information Center
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CH <sub>4</sub>	Methane
CIP	Clean In Place
CMP	Congestion Management Plan
CNDDDB	California Natural Diversity Data Base
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
dBA	Decibel
District	San Joaquin Valley Unified Air Pollution Control District
DTSC	California Department of Toxic Substances Control
ERC	Emission Reduction Credit
ERG	Environmental Review Guidelines
FED	Functionally Equivalent Document
FEMA	Federal Emergency Management Agency
GAMAQI	Guidance for Assessing and Mitigating Air Quality Impacts
GHG	Greenhouse Gas
HAP	Hazardous Air Pollutant
HHDT	Heavy-Heavy Duty Truck
HRA	Health Risk Assessment
LDT-2	Light Duty Truck-2
LOS	Level of Service
LRA	Local Responsible Agency
MEI	Maximally Exposed Individual
NAHCP	Native American Heritage Association
NO <sub>x</sub>	Oxides of Nitrogen

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NRA	California Natural Resources Agency
NSR	New Source Review
OEHHA	Office of Environmental Health Hazard Assessment
PM <sub>10</sub>	Particulate Matter 10 microns in diameter
PM <sub>2.5</sub>	Particulate Matter 2.5 microns in diameter
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SMARA	Surface Mining and Reclamation Act of 1975
SMGB	State Mining and Geology Board
SO <sub>x</sub>	Sulfur Oxides
TAC	Toxic Air Contaminant
TPY	Tons Per Year
USFWS	US Fish and Wildlife Service
VOC	Volatile Organic Compound

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### Appendix B. Mitigation Monitoring and Reporting Program

Impact	Significance Prior to Mitigation	Measure Number	Mitigation Measure	Enforcement Agency	Significance After Mitigation
Project stationary source operational emissions will exceed the District's thresholds of significance.	Significant	AIR-1	<p>For ATC Project N-1143814:</p> <ul style="list-style-type: none"> <li>The Permittee is required to comply with District Rule 2201 (New Source Review), to ensure offsetting operational stationary source emissions when/if Project stationary source emissions exceed the District's thresholds of significance. When required, the permittee shall surrender ERCs sufficient to offset operational stationary source emissions as required through District Rule 2201 requirements.</li> </ul>	San Joaquin Valley Air Pollution Control District	Less than Significant
The project could have an impact on archaeological resources, paleontological resources, or human remains.	Significant	CUL-1	<ul style="list-style-type: none"> <li>In the event that archaeological resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall cease and the Permittee shall notify and retain a qualified archaeologist to assess and provide an evaluation of the significance of the find. A qualified archaeologist shall determine whether avoidance is necessary and feasible in light of the factors such as the nature of the find, project design, costs, and other considerations, and, if necessary, develop appropriate mitigation measures in consultation with Stanislaus County and the Native American Heritage Commission (NAHC). In addition, should archaeological resources be discovered, Permittee shall provide the District a written report in relation to the nature of the find. <i>[Public Resources Code 21000-21177: California Environmental Quality Act]</i></li> </ul>	San Joaquin Valley Air Pollution Control District	Less than Significant



San Joaquin Valley Unified Air Pollution Control District  
Initial Study and Draft Mitigated Negative Declaration  
Barnhart Ranch (N-1143814)

July 8, 2016

Impact	Significance Prior to Mitigation	Measure Number	Mitigation Measure	Enforcement Agency	Significance After Mitigation
		CUL-2	<ul style="list-style-type: none"> <li>In the event that paleontological resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall cease and the Permittee shall notify and retain a qualified paleologist to assess and provide an evaluation of the significance of the find. A qualified paleontologist shall determine whether avoidance is necessary and feasible in light of the factors such as the nature of the find, project design, costs, and other considerations, and, if necessary, develop appropriate mitigation measures in consultation with Stanislaus County and the Native American Heritage Commission (NAHC). In addition, should paleontological resources be discovered, Permittee shall provide the District a written report in relation to the nature of the find. <i>[Public Resources Code 21000-21177: California Environmental Quality Act]</i></li> </ul>		
		CUL-3	<ul style="list-style-type: none"> <li>In the event that human remains are discovered during ground disturbing activities, all work within 100 feet of the find shall cease and the discovery shall immediately be reported to the County Coroner (CC) and Native American Heritage Commission (NAHC) for further assessment. Permittee shall identify appropriate measures for treatment or disposition of the remains in consultation with the CC and NAHC. In addition, should human remains be discovered during ground-disturbing activities, Permittee shall provide the District a written report in relation to the nature of the find. <i>[Public Resources Code 21000-21177: California Environmental Quality Act]</i></li> </ul>		



## **Appendix C. Construction and Non-Permitted Operational Emissions**

Available Upon Request at District Office:

San Joaquin Valley Air Pollution Control District  
Central Region  
1990 E. Gettysburg Ave.  
Fresno, CA 93726  
(559) 230-6000

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## **Appendix D. Draft Engineering Evaluations**

Available Upon Request at District Office:

San Joaquin Valley Air Pollution Control District  
Central Region  
1990 E. Gettysburg Ave.  
Fresno, CA 93726  
(559) 230-6000

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## **Appendix E. Risk Management Review**

Available Upon Request at District Office:

San Joaquin Valley Air Pollution Control District  
Central Region  
1990 E. Gettysburg Ave.  
Fresno, CA 93726  
(559) 230-6000

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## **Appendix F. Reconnaissance-Level Biological Survey**

Available Upon Request at District Office:

San Joaquin Valley Air Pollution Control District  
Central Region  
1990 E. Gettysburg Ave.  
Fresno, CA 93726  
(559) 230-6000

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## A. General Requirements

Animal facilities and operations shall comply with the following general standards:

1. Shall be located no closer than two hundred (200) feet from any property line;
2. Processing facilities may be located on a private road only if there is a recorded maintenance agreement executed by all lot owners served by the private road.
3. Shall manage storm water to prevent any processing wastes or by-products from discharging into any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.

## B. Specific Requirements

The animal facilities and operations listed below shall comply with the general requirements for animal facilities and operations (A) above and the following specific standards:

### 2. Fowl and Poultry Ranch

“Fowl and Poultry Ranches” are distinguished from “Pastured Poultry” operations in the definitions found in Section [28.10](#). Regulations for pastured poultry operations may be found in Section 28.71.30.B4.

#### a. **Standards.** Fowl and poultry ranches shall:

- (1) Employ best practices to ensure that stray birds do not trespass onto adjacent public rights-of-way or private lands, and
- (2) Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured poultry operation might have on neighbors or the larger community. Fowl and poultry ranch operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured poultry operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
  - i. Regulate, control or prohibit the accumulation of manure.
  - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people
  - iii. Protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.





DEPARTMENT OF RESOURCE MANAGEMENT  
PLANNING SERVICES APPLICATION FORM

675 Texas Street Suite 5500, Fairfield, CA 94533

(707) 784-6765 Phone  
(707) 784-4805 Fax

www.solanocounty.com

- Application Type:  New     Extension (maps)     Minor Revision     Map Modification
- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Administrative Permit (AD)    | <input type="checkbox"/> Minor Use Permit (MU)          | <input type="checkbox"/> Sign Permit (SGN)         |
| <input type="checkbox"/> Architectural Review (AR)     | <input type="checkbox"/> Mobilehome Storage Permit (MH) | <input checked="" type="checkbox"/> Use Permit (U) |
| <input type="checkbox"/> General Plan Amendment (G)    | <input type="checkbox"/> Mutual Agreement (MA)          | <input type="checkbox"/> Variance (V)              |
| <input type="checkbox"/> Major Subdivision (S)         | <input type="checkbox"/> Performance Standards (PS)     | <input type="checkbox"/> Waiver (WA)               |
| <input type="checkbox"/> Marsh Development Permit (MD) | <input type="checkbox"/> Policy Plan Overlay (PP)       | <input type="checkbox"/> Zone Text Amendment (ZT)  |
| <input type="checkbox"/> Minor Subdivision (MS)        | <input type="checkbox"/> Rezone (Z)                     |  |

FOR OFFICE USE ONLY

Application No: \_\_\_\_\_ MR# \_\_\_\_\_ Hrg: AD ZA PC BOS \_\_\_\_\_ Date Filed: \_\_\_\_\_ Plnr: \_\_\_\_\_

Project Name: Poultry Breeding Farm

**Subject Site Information**

Site Address: 8444 Bulkley Rd. City: Dixon State: CA Zip: 95620

Assessor's Parcel Number (s): 0111-070-070 Size (sq. ft/acre): 14.55 Acres

Preferred Property Access by Staff:  OK to access  Call applicant before access  Call owner before access

**Contact Information**

Property Owner Name: Jorge E. Vega-Zambrano

Contact Name: Ed Vega Phone: 530-574-7943 Email: vegazam@aol.com

Mailing Address: 4012 Arroyo Ave. City: Davis State: CA Zip: 95618

Architect/Engineer/Land Surveyor Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant/Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Other Contacts:**

Name: Ramsi Vega Phone: 530-400-9505 Email: ramsi Vega@aol.com

Mailing Address: 4012 Arroyo Ave City: Davis State: CA Zip: 95618

# 1 Project Narrative

Describe the type of development, proposed uses/business, phases, changes or alterations to the property or building and intent or purpose of your proposal clearly. Attach additional sheets as necessary.

Our project is a confined Poultry Breeding operation for egg Type layers. The objective is to produce fertile eggs that will be incubated in the proposed hatchery, with the final goal of hatching baby chicks that will be marketed to other farmers in the state.

There will be two chicken houses (Brooder houses) to raise breeders from day old to 16 weeks old, when they will be moved to the laying houses.

In these Laying houses the hens will lay their fertile eggs which will be collected and transported to the hatchery.

The hatchery will house incubators and hatching which will hold the fertile eggs and incubated for 21 days. At this point the baby chicks will hatch and will be delivered to other farmer's ranches.

## 2 General Plan, Zoning and Utilities:

General Plan, Zoning or Williamson Act Contract information is available at our offices or can be obtained by visiting [www.solanocounty.com](http://www.solanocounty.com). Click on the "Interactive Map" icon, then search by address or assessor parcel number.

Current General Plan Designation: \_\_\_\_\_

Current Zoning: Ag

Proposed General Plan Designation: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Current Water Provider: well on site

Current Sewage Disposal: on-site septic system for the house

Proposed Water Provider: \_\_\_\_\_

Proposed Sewage Disposal: Private on-site septic system for the hatchery

### 3 Williamson Act Contract

---

A. Is any portion of the property under Williamson Act Contract?  Yes  No

If yes, Contract No. \_\_\_\_\_ please provide a copy.

If yes, has a Notice of Non-Renewal been filed?  Yes  No

If yes, please provide a copy.

B. Are there any agricultural conservation, open space or similar easements affecting the use of the project site? (such easements do not include Williamson Act contracts)

Yes  No if yes, please list and provide a copy.

### 4 Additional Background Information

---

A. Does the proposal propose the demolition or alteration of any existing structures on the subject site?

Yes  No If yes, please describe in the project narrative.

B. List any permits that are required from Solano County and/or other local, state, federal agencies (i.e. building permit, Department of Fish and Game permits, etc.)

Solano County Building Permits

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C. List any known previously approved projects located on the property (i.e. Use Permit, Parcel Maps, etc). Identify the project name, type of project and date of approval.

N/A

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D. List any known professionally prepared reports for the project (i.e. biological survey, traffic study, geologic, hazardous materials, etc.)

None

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E. Does the project involve Housing and Urban Development (HUD) federal funding?  Yes  No  
Is HUD funding anticipated?  Yes  No

If yes, indicate the type of funding (i.e. CDBG grant, HOME, Investment Partnership Program, etc), funding amount, whether awarded or application pending and fiscal year of award or application request.

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H. Is this part of a larger project? If yes, please explain.  Yes  No

## 5 Existing Conditions

Describe in general the project site and surrounding properties as they presently exist; including but not limited to, information on existing land uses, unique physical and topographic features, soil stability, plants and animals, cultural, historical, or scenic aspects, and any other information which would assist the Department in understanding the project's environmental setting. Clear, representative color photographs may be submitted to show the project area. Draw in property boundaries on the photographs.

A. Project site:

FLAT land with good drainage

B. Surrounding properties:

North and EAST: Crops South: dryland hay west: Bulkeley road

C. Existing use of land:

Dryland hay

D. Describe number and type of existing structures:

	Type/Number	Square Feet
Residential	Single home / 1	1,800
Agricultural	Livestock, storage, shop, Hay, Livestock	6,700, 1020, 900, 720, 330
Commercial		
Industrial		
Other		

E. Describe existing vegetation on site, including number and type of existing trees.

Non-deciduous Trees on the west side of property

F. If in agricultural use, describe type of use or crop (cattle, sheep, hay, vegetables, fruit, etc).

Hay

G. Slope of property:

Flat or sloping	(0 - 6% slope)	<u>14.55</u>	acres
Rolling	(7 - 15% slope)	_____	acres
Hilly	(16 - 24% slope)	_____	acres
Steep	(> 24% slope)	_____	acres

H. Describe existing drainage conditions on site. Indicate direction of surface flows, adjacent parcels affected.

Ditch

I. Describe land uses on adjacent parcels (specify types of crops if agricultural).

North	<u>Crops: alfalfa, vegetables</u>	South	<u>Dryland Hay</u>
East	<u>Crops: alfalfa, vegetables</u>	West	<u>Bulkley Road</u>

J. Distance to nearest residence(s) or other adjacent use(s): 200 ft (ft/mi)

K. Describe and indicate location of any power lines, water mains, pipelines or other transmission lines which are located on or adjacent to the property.

Power lines on West side main entrance

L. Describe number and location of natural creeks or water courses through or adjacent to the property. Specify names (if any). Indicate whether ephemeral (brief flows following rains), intermittent (seasonal flows during wet season), or perennial (year-round flows).

None

M. Describe number and location of man-made drainage channels through or adjacent to the property. Specify names, if any.

Ditch in front of all west side of property and about 2/3 of North west boundary

N. Identify and describe any on-site or adjacent marshes, wetlands, vernal pools, wet meadows, riparian (i.e. dependant on water bodies) vegetation, etc.:

None

O. Are there any unique, sensitive, rare, threatened, or endangered animals, plants, or habitats on the project site or located in close proximity which may be affected by the project?

Yes \_\_\_\_\_ No  Don't Know \_\_\_\_\_ If yes, please list:

P. Describe existing vehicle access(s) to property:

Paved driveway in main entrance on the west side of property, followed by a gravel turn around

Q. List and describe the nature and location of all existing easements serving or affecting the property, including access, utility, and other public or private easements (see deed or recent preliminary title report).

None

R. List and describe any freestanding and attached signage on the property. Describe the dimensions, area and height. Include the location on the site plan.

None

## 6 Proposed Changes to the Site

A. Topography and grading (attach copy of grading plan showing existing and proposed topography and drainage patterns.)

- i. Percent of site previously graded: 15%. None
- ii. Project area (area to be graded or otherwise disturbed): \_\_\_\_\_ sq. ft./acres.
- iii. Estimate amount of soil to be moved (cut and/or fill): None  
\_\_\_\_\_ Less than 50 cubic yds<sup>3</sup> \_\_\_\_\_ More than 50 cubic yds<sup>3</sup> \_\_\_\_\_ More than 1000 cubic yds<sup>3</sup>
- iv. Estimate amount of soil to be: None  
Imported \_\_\_\_\_ yd<sup>3</sup> Exported \_\_\_\_\_ yd<sup>3</sup> Used on site \_\_\_\_\_ yd<sup>3</sup>.

B. Number, size and type of trees, and type and quantity of vegetation to be removed. (size of trees = diameter at 4ft. above grade)

None

C. Number, type and use of existing structures to be removed, and removal schedule:

None

D. Describe proposed fencing and/or visual screening (landscaping):

None

E. Proposed access to project site (road name, driveway location, etc.):

Gravel Driveway shown on site plan

F. Proposed source and method of water supply:

Well on premises

G. Proposed method of sewage disposal (specify agency if public sewer):

Not needed for chicken houses  
Private on-site septic system for the proposed hatchery

- H. Provisions for solid/hazardous waste disposal (specify company or agency if applicable):  
LITTER from chicken houses To be spread as fertilizer in our land and other farmers. Egg shells from hatchery removed to Render by SRC (sacramento Rendering co.)
- I. List hazardous materials or wastes handled on-site:  
Only diesel fuel for tractors
- J. Duration of construction and/or anticipated phasing:  
Houses will be built in progression and will take up to 3-4 years.
- K. Will the proposed use be affected by or sensitive to existing noise in the vicinity? If so, describe source (e.g. freeway, industrial) and distance to noise source.  
NO

## 7 Proposed Site Utilization

### A. RESIDENTIAL PROJECTS N/A

1. Number of structures: Single Family: \_\_\_\_\_ Multi-family: \_\_\_\_\_ Accessory: \_\_\_\_\_  
 If multi-family, number of units: \_\_\_\_\_ Maximum height: \_\_\_\_\_
2. Signage: Freestanding: \_\_\_\_\_ Dimension(s): \_\_\_\_\_ Area: \_\_\_\_\_ (sq.ft)  
 Attached/Wall: \_\_\_\_\_ Dimensions(s): \_\_\_\_\_ Area: \_\_\_\_\_ (sq.ft)

### B. NON-RESIDENTIAL PROJECTS (Commercial, Industrial, Agricultural, Other)

1. Lot coverage:  
 Building coverage: 61,200 (sq.ft) Surfaced area: NONE (sq.ft)  
 Landscaped or open space: \_\_\_\_\_ (sq.ft)
2. Total floor area: chicken houses: 52,800  
Hatchery 6,000 (sq.ft) TOTAL 60,800 sq.ft.
3. Number of stories: single 60,800 Maximum height: 20 (ft.)

4. Proposed hours of operation:  
 Days: 7  
 From: 8 a.m./p.m to 5 a.m./p.m
- Year round:  Yes  No Months of operation: from yearround through \_\_\_\_\_

5. Proposed construction schedule:  
 Daily construction schedule: from 8 a.m./p.m. to 5 a.m./p.m.  
 Days of construction: Mo - Fri
6. Will this project be constructed in phases? Describe:  
Yes.
7. Maximum number of people using facilities:  
only employees allowed on facilities  
 At any one time: \_\_\_\_\_ Throughout day: \_\_\_\_\_
8. Total number of employees: 5  
 Expected maximum number of employees on site: 5  
 During a shift: NO SHIFTS During day: Tuesdays and Fridays : 5  
Rest of week : 2
9. Number of parking spaces proposed: 6
10. Maximum number of vehicles expected to arrive at site:  
 At any one time: 6 day: 2 during day
11. Radius of service area: \_\_\_\_\_
12. Type of loading/unloading facilities:  
None
13. Type of exterior lighting proposed:  
Fluorescent - outside hatchery, not needed in chicken houses
14. Describe all anticipated noise-generating operations, vehicles or equipment on-site.  
Tractor's noise
15. Describe all proposed uses which may emit odors detectable on or off-site.  
When removing the manure, might be detectable on-site
16. Describe all proposed freestanding and wall signage. Include the dimensions, area and height.  
None

# 8 Environmental Checklist

Indicate the following items applicable to the project or its effects. Discuss in Section 9 all items checked "Yes" or "Maybe". **Attach additional sheets as necessary.**

	YES	MAYBE	NO
A. Change in existing natural features including any bays, tidelands, lakes, streams, beaches, natural landforms or vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Change in scenic views or vistas from existing residential areas, public lands or roads.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Change in scale, pattern or character of general area of project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Increased amounts of solid waste or litter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Dust, ash, smoke, fumes or odors on site or in vicinity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Change in ground water quality or quantity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. Alteration of existing drainage patterns, or change in surface water quantity or quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Change in existing noise or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. Construction on filled land or construction or grading on slopes of 25% or more.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Storage, use or disposal of materials potentially hazardous to man or wildlife, including gasoline and diesel fuel. (See Environmental Health Division for assistance or information).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K. Increase in demand for public services (police, fire, water, sewer, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
L. Increase in fossil fuel consumption (electricity, natural gas, oil, etc.).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Change in use of or access to an existing recreational area or navigable stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N. Change in traffic or vehicular noise on road system in immediate vicinity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
O. Increased hazards for vehicles, bicycles or pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P. Removal of agricultural or grazing lands from production.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q. Relocation of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 9 Additional Information by Applicant

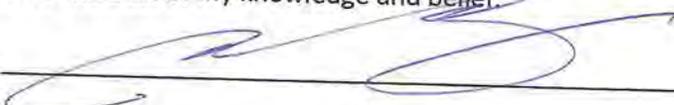
In order to make this application COMPLETE, please submit any additional data, information or special study reports that may be necessary to determine whether the project may have significant effect on the environment or to evaluate any adverse impacts, and to determine how they may be mitigated. Add additional pages as necessary.

## 10 Information Verification - Signed by Owner and Applicant

Owner and Applicant must sign below certifying that all information is to the best of his/her knowledge true and correct.

If the applicant is not the owner of record of all property included in this application, the signature given below is certification that the owners of record have knowledge of and consent to the filing of this application and supporting information. Additionally, the undersigned does hereby authorize representatives of the County to enter upon the above mentioned property for inspection purposes. **This certification acknowledges that if the project exceeds the number of hours implicit in the application fee, applicants are subject to the hourly billing rate of staff time. You will be notified if the project is approaching this threshold.**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Owner signature:  Date: 12/17/20

PRINTED NAME: Jorge E. Vega-Zambrano

Applicant signature: Same Date: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

### For Office Use Only

Planning Permit Fee(s)	Environmental Review Fees
_____ \$ _____	Initial Study \$ _____
_____ \$ _____	Archaeological Study (Sonoma State NWIC) \$ _____
_____ \$ _____	Negative Declaration \$ _____
_____ \$ _____	CA Fish and Games (ND or EIR) \$ _____
	Initiate EIR \$ _____
	Mitigation Monitoring Plan \$ _____
Total Fees Paid \$ _____	Receipt No.: _____ DATE: _____
Cash <input type="checkbox"/> Check <input type="checkbox"/> Charge/Debit <input type="checkbox"/>	

Staff verify: Zoning: \_\_\_\_\_ GP Land Use & Consistency: \_\_\_\_\_

Comments: \_\_\_\_\_ Staff/Date: \_\_\_\_\_

T:\PLANNING\Planning Templates\Front Counter Application and Instruction Forms\COUNTER FORMS - (O-R-I-G-I-N-A-L-S)\Land Use Permit\Permit Application & Instructions\Land Use Permit Application 042418.doc(May 2, 2018)

9.

Section 8 D. There will be litter from the chicken houses that will be removed and spread as fertilizer in our land and other farmers

Section 8 J. At times we would have diesel for tractors stored in 5 gallon container. No more than one container at a time.

Section 8 L. we will use propane for brooder houses. And electricity for the hatchery and chicken houses.

Section 8 P. A partial removal of agricultural production, dryland hay. Most of the land will still be used for that purpose

## SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. xxxx

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**WHEREAS**, the Solano County Planning Commission, after proper notice, conducted a public hearing on February 3, 2022, to consider an Appeal of the Solano County Zoning Administrator approval of Land Use permit application U-20-05 to establish a Fowl and Poultry Ranch - Large for breeding and sales of laying hens including construction of 9 new buildings, located at 8444 Bulkley Road, 4.5 miles east of the City of Dixon in the Exclusive Agriculture (A-40) zoning district, APN 0111-070-070; and

**WHEREAS**, said Planning Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on February 3, 2022; and

**WHEREAS**, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Planning Commission to be pertinent.**

This project is located within an area designated Exclusive Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is conditionally permitted within the Exclusive Agriculture (A-40) zoning district.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water by private well and sewer service by an on-site sewage disposal system. Access is via encroachment off Bulkley Road.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Large Poultry Ranch use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

- 4. The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to Section 15303 New Construction or Conversion of Small Structures.**

**BE IT THEREFORE RESOLVED**, that the Planning Commission does hereby approve Land Use Permit U-20-05 subject to the following recommended conditions of approval:

**General**

1. The above use shall be established in accord with the application materials and development plans as submitted with U-20-05 filed December 29, 2020 and as approved by the Solano County Zoning Administrator.
2. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
3. Any expansion or change in the use or new or expanded buildings may require a Minor Revision or Amendment to the existing Land Use permit or a new permit if determined to be necessary by the Director of the Department of Resource Management.
4. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
5. The applicant will submit to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the Poultry Ranch operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
  - i. Regulate, control or prohibit the accumulation of manure.
  - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people
  - iii. Protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.

**Environmental Health Division**

The following shall be completed prior to issuance of Building Permits for the facility:

6. The applicant shall provide verification from the California Department of Food and Agriculture that the proposed facility is in conformance with the 2018 Proposition 12 requirements, or that is exempt from these requirements.
7. Prior to operation, the applicant shall provide a manure management plan that indicates how the chicken litter and waste will be managed, stored, and composted and/or land applied to prevent the generation of odors and prevent and reduce the attraction of disease vectors such as flies and rodents. Once approved, the facility shall operate in compliance with this plan for as long as the poultry ranch remains in operation.
8. The applicant shall provide documentation from the Central Valley Regional Water Quality Control Board that the proposed facility has a Waste Discharge Requirement approval, waiver, or is exempted from any similar requirements.
9. The applicant shall provide additional description of the anticipated amount of chicken litter / waste that will be generated, how or if the material will be composted, to what areas of the property this will be spread, and how much is anticipated to be given or sold to offsite farmers.

10. The applicant shall provide documentation that the proposed septic system will require either approval from the Central Valley Regional Water Quality Control Board for dispersal of high strength wastewater, or it shall provide verification that the wastewater is not high strength and can be permitted by Solano County.

### **Building and Safety Division**

Building permit applications for all proposed structures shall be submitted within one year of permit issuance.

11. The Building and any site improvements shall be designed using the 2019 California Building Standards Codes including the mandatory measures found in the new 2019 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures. The building shall meet all of the requirements for commissioning a Green Building due to the size exceeding 10,000 square feet. The commissioning information is found in Section 5.410.2 of the 2019 California Green Building Code. (CalGreen) The building shall be designed by a licensed and/or registered architect/engineer who is knowledgeable in Green Building Codes.
12. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2019 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, or change the occupancy of a building or structure shall first make application to the building official and obtain the required permit."
13. Certificate of Occupancy "111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
14. The site and all facilities shall meet all the accessibility requirements found in Chapter 11B of the 2019 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2019 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.
15. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst-case requirements between Chapter 11B of the 2019 California Building Code and the ADA Federal Law. One ADA parking shall be provided per every 25 parking stalls.
16. The building permit plans shall include a code analysis as listed below and the design shall be under the 2019 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
  - i. Occupancy Classification
  - ii. Type of Construction
  - iii. Seismic Zone
  - iv. Location on Property
  - v. Height of all buildings and structures
  - vi. Square footage

- vii. Occupant Load
  - viii. Allowable Floor Area
  - ix. Height and Number of Stories
17. Plans and Specifications shall meet the requirements as per Section 105 of the 2019 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official."
18. An Automatic residential fire sprinkler system may be required throughout the building.
19. A geotechnical report is required for this project.

### **Public Works Division**

The information and permit applications detailed below shall be submitted prior to issuance of Building Permits for the proposed facility.

20. Applicant shall build a Commercial width driveway at the Gravel Driveway location shown on the site map provided in the application. The driveway shall conform to Figure 8 of the Solano County Road Standards. The driveway shall be paved to the right of way line for Bulkley Road. The paving shall be asphaltic concrete.
21. The applicant shall furnish a Stormwater Management Plan to address both quantity and quality of stormwater and provide measures to mitigate any potential excess flow from the project site. Once the plan has been submitted and approved, the facility will be operated in compliance with this plan for as long as the poultry ranch remains in operation.
22. The applicant shall furnish a Stormwater Pollution Prevention Plan (SWPPP) signed and sealed by a Qualified SWPPP Developer (QSD). Once the plan has been submitted and approved, the facility will be operated in compliance with this plan for as long as the poultry ranch remains in operation.
23. Applicant shall apply for, secure, and abide by the conditions of an encroachment permit for any work within the public right-of-way. Driveways must be maintained in such a manner as to prevent soil, rocks, and debris from tracking onto public roads.
24. Applicant shall apply for, secure, and abide by the conditions of a grading permit for the construction of the private access improvements, parking areas and walkways, as well as any onsite grading.

### **Dixon Fire Protection District**

25. These new buildings meet the definition of an Ag Building per the 2019 California Fire Code (CFC) and 2019 California Building Code.
- [BG] AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural

products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

- 26. Floor and Elevation Plans meeting the Solano County Building and Safety Division minimum plan check submittal requirements shall be submitted in order to conduct a thorough plan review.
- 27. The Hatchery shall be assigned a new address following the Solano County Addressing guidelines. Each chicken house will need the building number marked on the building visible from approach.
- 28. The address shall be posted prior to construction at the street where the driveway makes its access from. The address numbers shall be FOUR inches in height, at a minimum, and contrast with their background. The address shall be visible from both directions of approach on Bulkley Road. CFC 505.1

**Permit Term**

- 29. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic renewals occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic renewals shall be charged at that time.

\*\*\*\*\*

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on February 3, 2022 by the following vote:

AYES:           Commissioners \_\_\_\_\_

NOES:           Commissioners \_\_\_\_\_

ABSTAIN:       Commissioners \_\_\_\_\_

ABSENT:        Commissioners \_\_\_\_\_

\_\_\_\_\_  
Paula Bauer, Chairperson

By: \_\_\_\_\_  
Terry Schmidtbauer, Secretary

From: [vegazam@aol.com](mailto:vegazam@aol.com)  
To: [Kroger, Travis J.](#); [Ramsi Vega](#)  
Date: Monday, December 20, 2021 9:24:52 AM

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Here is the Addendum regarding calculation of water consumption:

1. OUR OPERATION:

Of 18,000 chickens, layer type, we have:

14,000 adults at 0.10 gallons per day = 1400 gal/day

4,000 young pullers at 0.05 gal/day = 200 gal/ day

Total/day 1,600 gal X 365 days = 584,000 gal/year

2. ALMOND

Each acre of almond trees uses 3-4 acre feet of water per year

(1Acre feet of water = 325,000 gal)

10 acres will use 30 acre feet of water per year, which is 30 X 325,000 gal = 9,750,000 gal/year

[Sent from the all new AOL app for iOS](#)

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

From: [vegazam@aol.com](mailto:vegazam@aol.com)  
To: [Kroger, Travis J.](#); [Ramsi Vega](#)  
Subject: Use Permit Application U-20-05  
Date: Monday, December 20, 2021 9:24:40 AM

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Hello Travis,

Would like elaborate about the legitimate questions raised by Mr Gilbert Mandell at the public hearing, and perhaps you can pass it along. Here are the subjects:

1. MANURE. As part of our plan, all manure will be exported, to be used by farmers like Robben Ranch (707)678-9430 or to be composted by Recology Vacaville (707)448-2945. We have filed a Notice of Intent with the Water Quality Board, which regulates waste discharge, and approved under the Poultry General Order. They will be conducting inspections at our facility. Contact: Danny Gamon, Senior Engineer, Chief Confined Animals Unit, (916)464-4724
2. TRUCKS. Once a week a truck will deliver feed to our facilities. It will take about an hour to deliver the feed from an enclosed container to our enclosed feed bins. Once every two months we will move chickens in a small trailer, taking around 2 to 3 hours. Three employees will work every day. Only Fridays there will be 5 employees for a maximum of 7 hours. So we consider traffic not be heavy.
3. WATER USE. Our chickens will consume around 1,600 gallons per day or 584,000 gallons of water per year. By comparison, If we were to plant almonds in only 10 of our acres, the almond trees will consume around 9,750,000 gallons of water per year. Details in the addendum.
4. CHEMICALS. Our operation will not use any chemicals in the water or in the chicken houses.
5. NOISE. Per county regulation, our operation's set back is 200 ft from our property line, plus the distant to houses in the other properties, we consider the noise not to be become a nuisance to our neighbors.

Thanks

Ed Vega

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[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

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# Nuisance Myths and Poultry Farming

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**Dr. Dan L. Cunningham**  
**Department of Poultry Science**

## Introduction

Poultry production is the number one agricultural enterprise in Georgia, accounting for approximately 50 percent of the value of farm products produced. Modern poultry farming originated in north Georgia in the late 1940s and early 1950s, and has continued to grow and expand as consumer demand for poultry products has increased. To meet the demands for more poultry products, producers and poultry companies across Georgia have expanded their operations by building more production and processing facilities. At the same time, the state has experienced increased urbanization and loss of agricultural lands in many of its rural counties. As cities have become more crowded and expensive to live in, many people have moved to the country to satisfy their desire for a more serene lifestyle of “country living.”

Unfortunately, many of these individuals understand very little about commercial farming practices. They often tend to be intolerant of typical farming practices that occasionally produce dust, odors and insect pests as part of a normal farming enterprise. This unfortunate set of circumstances is leading to increased conflict between farmers and citizens who have had little prior exposure to agricultural operations. In some cases, poultry farmers are finding it difficult to operate or expand their operations with new production facilities.

As poultry farming has increased in Georgia, there has been a trend toward developing zoning regulations in many counties to manage these issues and provide a viable working environment and pleasant atmosphere

for everyone. A prudent, fact-based zoning ordinance benefits all citizens. A carefully planned and devised zoning ordinance means continued success of the family-owned farm, which provides a stable, consistent tax base for the community, while simultaneously providing protection for all the citizens. Those responsible for implementing zoning regulations want to be certain that their actions are supported by facts. Conversely, a poorly designed zoning ordinance can result in unfair treatment of some members of the community and can negatively impact the economy of that community. Zoning ordinances not based on facts may lead to unnecessary community conflict and litigation.

Many times, people opposed to poultry farming promote excessively restrictive ordinances. Their purpose is to prevent or make it exceedingly difficult to expand or build new poultry production facilities based on negative perceptions of this agricultural business. Often these negative perceptions are due to a lack of accurate knowledge of modern farming practices and/or a general intolerance of any inconveniences that might be caused by commercial livestock production.

In some cases, individuals will deliberately distort the facts by using information out of context that they feel will advance their cause. Many of the contentious debates related to the development of zoning ordinances have revolved around three common myths. These three poultry farming myths are emotionally charged and are usually presented in the most negative manner to sway undecided individuals in the community. These often used myths are listed and discussed below:

## Myth # 1

### **Poultry farms will ruin the environment.**

Opponents of poultry farming will often use this argument and contend that environmental pollution is a major problem associated with poultry farming. This is not only a distortion of the facts but is a serious misrepresentation of the truth. Poultry farms do produce manure nutrients as by-products of growing birds. These manure nutrients have the potential, like any fertilizer material, to cause water pollution problems if improperly handled.

In reality, these manure nutrients have substantial value as organic fertilizer and are most often applied to fields as a replacement for commercial fertilizers. Poultry litter has been applied to fields in Georgia for this purpose for more than 50 years with no evidence that this practice causes any significant water pollution problems. In fact, the growth of the poultry industry in north Georgia and the associated proper application of poultry manure to the soil are considered primary reasons for the reclamation of once seriously depleted soils in this area. Poultry litter, in addition to containing plant nutrients, returns organic matter to the soil, increasing its productivity and drought resistance.

There are some legitimate concerns about the potential of nitrogen and phosphorous nutrients from poultry litter to contaminate surface or ground waters if too much is applied. Because of these concerns, poultry growers are implementing nutrient management plans (NMPs) across Georgia to protect water quality. NMPs are site specific plans to help poultry producers manage litter generated from their operations to take maximum value of the fertilizer component while simultaneously protecting the environment. The NMP program being used by poultry farmers has been developed by the University of Georgia and approved by the Georgia Environmental Protection Division (EPD). This NMP program is considered a proactive and effective tool to ensure the continued protection of the state's environment. In some cases, large poultry farms are required to operate under a permit from the EPD in addition to implementing NMPs as part of the state's Confined Animal Feeding Operation Rule (CAFO). Georgia's EPD also has the authority and responsibility to intercede and regulate any farm in Georgia causing an environmental problem.

A properly managed poultry farm will not pollute or cause environmental problems for neighbors or the community and, in fact, it can be very beneficial in providing a valuable fertilizer source for land owners.

## Myth # 2:

### **Poultry Farms Smell.**

Uninformed individuals often think that poultry farms will smell so badly, no one can live near them. This is incorrect. The vast majority of poultry farms are family operated and, in many cases, the operators and their families live next to, or in close proximity to, the production houses.

Properly operated poultry houses emit minimal odor. This is due to advancements in ventilation and drinking systems for poultry production houses that keep them relatively dry and thus free of any significant odor. In fact, it is not unusual to approach a modern, well managed poultry house without experiencing any or only minimal odors. The drier conditions in the houses also ensures little or no fly production associated with growing chickens. Occasionally, wet conditions can develop in a poultry house as a result of improperly functioning drinking or ventilation systems, but these situations can generally be easily corrected with changes in management. These situations may occur more frequently with breeder and layer farms than with broiler farms because of the extended period of operation with birds in the houses.

It is impossible to operate a livestock farm without having some odor or fly production as a result of normal production practices. Poultry farms, like any other livestock operation, will on occasion have some odor and fly production, but with good management these occurrences are generally short-lived and provide only minor if any inconvenience to neighbors. The odors associated with poultry production primarily occur when the houses are cleaned out and the litter is spread as a fertilizer. Clean-out schedules for operations vary but are usually no more than once or twice a year. In some cases poultry producers will even go several years before removing the litter from the houses.

Stirring and applying litter during removal causes some odor. The odor from litter application is, however, temporary and lasts from only a few hours to a few days depending on weather conditions. Appropriate management practices for applying poultry litter can reduce the occurrence and impact of this minor annoyance but may not totally eliminate it.

Fly problems occurring as a result of a poultry production operations are most often associated with mortality disposal. These problems can generally be managed with attention to proper operation and maintenance of the mortality disposal systems used. Dead bird disposal is a process permitted by the Georgia Department of Agriculture, and growers are regularly inspected and required to operate these systems properly to maintain their permits.

## Myth # 3:

### **The air exhausted from poultry houses will damage property and cause health concerns.**

The adoption of the tunnel ventilation system for poultry houses, which places all of the exhaust fans at one end of the house and concentrates the exhausted air, has led to the perception that these fans can cause problems for neighbors. The purpose of the tunnel ventilation system is to bring more fresh air into the house and move it through at a faster rate to cool the birds. These systems have been very successful in reducing the negative effects of hot weather on the growth and mortality of birds. The exhausted air from tunnel ventilation fans, however, only extends about 50 feet from the houses before it is dispersed into the atmosphere. Providing reasonable set-back separations from property lines and dwellings will ensure that operating these ventilation systems will not adversely impact neighbors.

What are reasonable set-back distances for poultry houses? Years of experience in poultry producing counties can provide some help in answering this question. Some of our highest concentrations of poultry farms are located in counties in north Georgia. These same counties have also experienced very significant urbanization over the years. Many of these counties have adopted ordinances requiring set-backs for poultry houses of 200 feet from property lines and 500 feet from dwellings as part of their zoning regulations. These distances, in most cases, have provided more than reasonable protection for all parties involved while allowing small farmers the opportunity to operate poultry farms successfully. In addition to set-back measures, poultry farms can also use vegetative buffers and diversion fences near the exhaust fans to reduce air and dust movement when deemed necessary.

The issue of set-backs from property lines and dwellings for poultry houses is an important one. In many cases, opponents of poultry house construction have advocated the need for excessive and unreasonable set-back requirements to severely restrict or totally eliminate building because of the large amount of land needed to comply. For example, requiring a 1,500 foot set-back for construction of a poultry house would require more than 260 acres to site an average size broiler operation. A set-back of 4,000 feet would

require more than 1,600 acres to build houses. In many of Georgia's counties, 1,500 feet would eliminate more than 80 percent of the poultry production operations and could cause concentration of production with the largest, most wealthy landowners. Since air does not move far from the exhaust fans, and most of the odor associated with poultry production does not come from the production house but rather from the occasional application of the litter, 200-foot set-backs from property lines and 500-foot set-backs from dwellings for poultry houses provide reasonable protection for neighbors.

Some will claim that air from poultry houses is the cause of health problems for certain people living in close proximity to a poultry farm. No evidence indicates that poultry farms pose any specific health risk to people in general. Poultry farms have been operated for more than 50 years in Georgia by thousands of farm families. The fact that these families have not experienced any significant health issues attributable to these operations would suggest that poultry farming is no more of a health risk than any other type of farming.

## Conclusion

Georgia is the number one poultry producing state in the nation with some 4,000 farms in operation. We have a long history of growing, processing and marketing poultry without causing environmental or nuisance problems. Many communities in Georgia have relied upon the stable, consistent tax base provided by poultry farms to build and support local infrastructure. Farmers depend on their land to make a living and historically have been good stewards of their property. Farming in general is much more beneficial to the environment than almost any aspect of urbanization, so protecting farmers from urban encroachment is important in protecting our environment as well as our food supply.

Farms generally represent "green spaces" that protect the environment and preserve the country atmosphere. Well-managed poultry farms operating with best management practices and within state regulations need not be a source of environmental or nuisance problems for a community. Providing reasonable zoning regulations in a community will allow farmers to participate in a very dynamic and economically beneficial business while also ensuring the ability of neighbors to peacefully coexist.

# Learning *for* Life

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**Bulletin 1299**

**Reviewed February 2012**

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The University of Georgia and Ft. Valley State University, the U.S. Department of Agriculture and counties of the state cooperating. Cooperative Extension, the University of Georgia College of Agricultural and Environmental Sciences, offers educational programs, assistance and materials to all people without regard to race, color, national origin, age, gender or disability.

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