



Legislation Text

File #: PC 18-036, Version: 1

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Public hearing to consider adoption of a Mitigated Negative Declaration and approval of Land Use Permit Application No. U-01-06 Amendment No. 1 of HD Dairy Ranch to increase the number of cattle from 6, 000 to 10,291 without exceeding the assumed number of animal units originally approved in 2001, 7, 215.5 animal units. The increase in cattle is due to the replacement of the larger Holstein breed to the smaller breed of Jerseys. Construction of one additional employee housing, exercise and grazing pens and calf hutches are proposed. (Project Planner: Nedzlene Ferrario) Staff Recommendation: Approval

Published Notice Required? Yes X No ____
Public Hearing Required? Yes X No ____

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Adopt the Mitigated Negative Declaration and the mandatory and additional findings with respect to Land Use Permit Application No. U-01-06 Amendment No. 1 and;
2. Adopt the attached draft resolution and Approve Use Permit U-01-06 Amendment No. 1 subject to the findings and recommended conditions of approval.

EXECUTIVE SUMMARY:

The applicant is proposing to increase the number of cattle from 6,000 to 10,291 without exceeding the assumed number of animal units originally approved in 2001, 7215.5 animal units. The increase is due to the replacement of cattle breed from the larger Holstein to smaller frame sized Jerseys. Construction of one additional employee housing unit, exercise and grazing pens and calf hutches are proposed over two phases. Environmental impacts associated with the project is not significant in that, the additional number of smaller breed of cattle would not cause significant environmental impacts assumed in the prior environmental analysis. Zoning Code requires adjacent property owners consent. Planning staff and the applicant reached out to the property owner; however, at the time of writing, comments have not been received. More information will be provided at the public hearing.

ENVIRONMENTAL ANALYSIS:

Pursuant to the California Environmental Quality Act and CEQA Guidelines, a Mitigated Negative Declaration was prepared and circulated for public review. Notices were mailed to property owners within 1 mile of the dairy, applicable agencies and posted in the newspaper. No comments were received. The public comment period ended on June 18, 2018. The Initial Study/Mitigated Negative Declaration is attached.

PROPERTY INFORMATION:

A. Prior approvals: The land use permit was granted in 2001 for Peter Albers on July 19, 2001, and the

land is encumbered by Williamson Act Contract 1297.

B. Applicant/Owner: HD Ranch, 7815 Midway Road, Dixon, CA 95620

C. General Plan Land Use Designation/Zoning: Agriculture/A-40

D. Existing Use: Dairy and cropland

E. Adjacent Zoning and Uses:

North: Agriculture

South: Agriculture

East: Agriculture/Residence

West: Agriculture

F. ANALYSIS:

a. Background: HD Dairy commenced dairy operations at this site in 2013. Prior to HD Dairy assuming operations, the dairy was operating under the business name Heritage Dairy. The property is approximately 790 acres of which 158 acres is used for the dairy and wastewater ponds. 632 acres are devoted to growing feed for the dairy. The property is developed with 6 employee housing units and 1 main residential house, 20 various shops/barns/outbuildings that support the dairy operations. The applicant proposes to expand the dairy facility to accommodate the additional cattle and worker staff.

b. Project Description: The applicant is proposing to increase of the number of cattle on the property from 6, 000 to 10, 291. The increase in heads of cattle is due to the change of cattle breed, Holsteins to Jerseys. The project phases are proposed as follows:

Phase 1

- Extension of the calf barn flush lane to the end of the heifer corrals for 350 additional hutches. The additional hutches will not be under a barn but will be open and have a flush lane beneath, consistent with the current hutches.
- The addition of heifer corrals on the north side of the calf barn (see No. 26 on Site Plan) and along the north side of the current freestall barns (see No. 25 on the Site Plan). These will be sloped (3 percent) and compacted to meet the County standards in County Code Chapter 27.

Phase 2

- Add pasture feed pens to proposed Freestall Barns 7 and 8.
- Addition of one worker housing unit located at the northwest corner of the facilities. Two of these homes shown on the Site Plan have been constructed and were previously approved under AD-16-04 and 16-05. The housing units range from 1, 200 to 1, 800 square feet in size.

All buildings, corrals, shades, flush lanes, and feed lanes will be built in a similar style and with the same directional flow to all existing buildings and corrals. The Site Plan is attached.

c. General Plan & Zoning Consistency: The property is designated Agriculture on Solano County's Land Use Diagram and no policy conflicts have been identified. The property is zoned A-40, and dairies are conditional uses in the zoning district and a Land Use Permit U-01-06 was granted in 2001.

- d. Zoning Code Section 28.71.30:** HD Dairy is proposing to amend the land use permit by proposing to increase the number of heads of cattle from 6, 000 to 10, 291. The additional 4, 291 heads of cattle would be a significant increase over the originally approved land use permit if the applicant was proposing to add more of the same breed of cattle; however, the applicant is proposing to change the breed of the entire herd from Holstein to Jerseys without exceeding the number of Animal Units (AU) assumed in the original permit, 7, 215.5 AU.

Animal Unit (AU) is a measurement to facilitate management of grazing livestock based upon weight. It is based upon the concept that 1 AU is equivalent to a 1, 000 pound average mature animal. Weighting the cattle can vary dependent on the breed or age. For example, an average sized cow weighs 1, 400 pounds and the Jersey breed is smaller in size, weighing at 1,000 pounds; or, calves are weighted less than a milking cow. Jerseys are smaller in size; therefore, more heads may be accounted for within the same number of animal units, previously assumed in 2001. The applicant provided a calculation of the approved, proposed breeds and the equivalent AU in Table 2 of the Initial Study/Mitigated Negative Declaration.

The dairy is subject to the Large Confined Animal Facility standards of the Zoning Code Section 28.71.30.(B)(1)(C) . The standards were adopted in 2006 and establish specific locational criteria to protect current and future residents from odor nuisances, impacts to groundwater quality, dust and noise. The following is a discussion of the proposed expansion and required criteria.

(1) Minimum Setbacks: To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlors, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:

- i. Three (3) miles from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.**
- ii. This requirement shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, as described in Subsection 3.5.5.**

(i) & (ii) The City of Dixon Sphere of Influence is the closest and located 3.92 miles west of the subject site. The project satisfies this requirement.

- (2) One (1) mile from the nearest large confined animal facility.**

There aren't any confined animal facilities within a mile of HD Dairy. The closest

confined animal facility is Double G Dairy, located at 8118 Sikes Road, approximately 2.5 miles north of HD Dairy.

- (3) 2,500 feet from any natural public drinking surface water supply intake and 200 feet from a primary tributary to a domestic surface water supply (measured from any liquid or solid waste storage area or land application area only), including but not limited to the Barker Slough intake.**

The closest public groundwater source is one of the City of Dixon's public well located 3.8 miles west of the dairy. The expansion does not encroach within the criteria.

- (4) One (1) mile from any Residential zoning district, as established in Section 28-15 of this Chapter.**

The closest residential zoning district is located within the City of Dixon's city limit, located more than 3.92 miles west of HD Dairy.

- (5) Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.**

As stated in section (1), the setback applies to facilities such as barns or corrals, specifically, for areas where animals are housed and fed; and does not apply to animal grazing and cropland areas. The applicant is proposing 2 grazing pens within the front setback and will plant the area with rye grass. Recommended condition of approval number 3 will ensure compliance with the standard.

- (6) One quarter ($\frac{1}{4}$) mile (1,320 feet) downwind and one half ($\frac{1}{2}$) mile (2,640 feet) upwind of any existing occupied dwelling unit not owned or occupied by the facility's owner or personnel. This requirement may be waived if the owner of the dwelling has provided comment, in writing, that he or she has no objection to the location of developed portions of the facility within such setback area.**

There is a residence located at 7927 Midway Road, 757 feet east of the developed portion of the dairy. The applicant and staff has contacted the owners by phone and email, about the proposed project. As of the time of writing, the owners have not provided any comment. More information will be provided at the Planning Commission hearing.

- (7) Two (2) miles from the boundary of the National Veterans Cemetery.**

The National Veterans Cemetery is located 7.9 miles west of HD Dairy.

- (8) Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.**

This is included as a recommended condition of approval of this permit.

(2) Other Standards

- i. All structures shall be constructed with materials suitable to prevent excessive glare so as not to create a nuisance to neighbors or a danger to aircraft.**

This is included as a recommended condition of approval of this permit.

- ii. All exterior night lighting shall be directional lighting that directs the light downward and inward toward the project site so as not to create a nuisance to neighbors.**

This is included as a recommended condition of approval of this permit.

- iii. Applications must meet all requirements set forth in Chapter 27 of the Solano County Code regulating Large Confined Animal Facilities.**

The Environmental Health Division is required to monitor and inspect dairies four times a year or more often if necessary for compliance with Chapter 27 of County Code regulating Confined Animal Facilities. According to Environmental Health Division staff, the facility is in compliance.

- iv. Notice of a hearing on a use permit application for a Large Confined Animal Facility, or any revision to such permit, shall be provided to any affected local governmental agencies and to all owners of real property, as shown on the latest equalized assessment roll, within one (1) mile of the property that is the subject of the hearing.**

Notices for Public Review of the Draft Initial Study/Mitigated Negative Declaration and Planning Commission hearing were mailed to property owners within one (1) mile of the property. At the time of writing, no comments have been received.

e. Agriculture Employee Housing:

There are six (6) employee units on the property. Four (4) were permitted by the original permit and HD Dairy constructed two (2) additional per AD-16-04 and AD-16-05. Currently, HD Dairy is proposing one (1) more. The existing and proposed houses are approximately 1200 - 1800 square feet in size and located northwest of the dairy facilities shown on the Site Plan. This permit

authorizes one additional employee housing unit, for total of seven (7) employee housing on the property. Approval of the conditional use permit supersedes prior permit approvals.

According to Zoning Code Section 28.71.40.(B)(1), agricultural employee housing may be a temporary manufactured dwelling unit located on parcels of twenty (20) acres or more is permitted for a maximum five (5) year period subject to the following conditions as well as the applicable development standards as permitted in the zoning district. Applicable Zoning Code standards are included as recommended conditions of approval.

- G. Williamson Act Contract:** The project is located on land contracted under the Williamson Act. Confined Animal Facilities including dairies and agricultural employee housing are permitted land uses and compatible with Solano County Regulations Governing Agricultural Preserves and; therefore, consistent with the Williamson Act.

FINDINGS:

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulations, population densities and distribution, and other aspects of the General Plan.**

The operation and maintenance of the dairy is consistent with the goal and the objectives and policies of the Solano County General Plan.

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

The site has existing electrical power, telephone and septic system. External access to the site will be via Midway Road with internal access via a driveway. The additional heads of cattle will not significantly impact traffic or the road system. All on-site runoff will be directed to the lagoon for use in the fields. Drainage will not affect adjacent parcels.

- 3. The subject use will not, under the circumstances of the 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.**

An Initial Study/Mitigated Negative Declaration was prepared and made available for public review. The Planning Commission has considered the Initial Study/Mitigated Negative Declaration and public comments thereon prior to acting on the project and finds that the Mitigated Negative Declaration is adequate and there is no evidence that the project will have a significant impact on the environment.

- 4. The project is located on land contracted under the Williamson Act. Confined Animal Facilities including dairies and agricultural employee housing are permitted land uses and compatible with Solano County Regulations Governing Agricultural Preserves and; therefore, consistent with the Williamson Act.**

- 5. The proposal to expand the facility by increasing the number of cattle on the property does not exceed the assumed animal units as previously approved in 2001 due to the replacement with a smaller sized breed.**

RECOMMENDED CONDITIONS OF APPROVAL:

1. The dairy facilities shall be established in accord with the plans and information submitted with Use Permit Application No. U-01-06 Amendment No. 1 and approved by the Solano County Planning Commission.
2. The number of cattle on the property shall not exceed 10, 291 Jersey's equivalent to

7, 215.5 Animal Units.
3. The grazing pens located within 200 feet of the front property line shall be planted and maintained with rye grass. Cattle grazing is permitted within this setback; however, no structures or other dairy facilities may be permitted within 200 feet of any property line. The carrying capacity of cattle in these areas shall be maintained so as not to cause the ground to become denuded of growth. Only natural grazing is permitted in this area.
4. Storage or stockpiling of manure and silage shall occur in a manner which minimizes odor and vector nuisances to the greatest extent practicable, based on current industry practices.
5. Adequate truck loading areas shall be provided within the developed portion of the facility. Ingress and egress shall be designed to avoid creation of traffic hazards and congestion, odor, dust, noise or drainage impacts.
6. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within the minimum setback areas, specified in Zoning Code Section 28.71.30.
7. All structures shall be constructed with material suitable to prevent excessive glare so as not to create a nuisance to neighbors or danger to aircraft.
8. The permittee shall take all necessary measures to prevent dust, noise, light, glare, odor and other objectionable elements from adversely affecting the surrounding area beyond acceptable limits.
9. The applicant shall comply with the requirements of the Central Valley Region, Regional Water Quality Control Board regarding the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies Order No, R-5-2013-0122 and any site specific Waste Discharge and Monitoring Requirements as determined by the Central Valley RWQCB.
10. Comply with the requirements of the State of California Water Board Division of Drinking Water, and/or Solano County Department of Resource Management requirements for State Small Water Systems, based on the number of people serviced and the number of water connections at the property.
11. Comply with the requirements of the Solano County Code, Chapter 27 regulating Large Confined Animal Standards.

12. All measures set forth in the applicant's Odor Control Management Plan, Integrated Pest Management Plan, and Nutrient Management Plan shall be adhered to in order to prevent significant odor impacts, extensive pest population, and pollution of groundwater, surface water or watercourses.
13. Comply with the Dixon Fire Protection District rules and regulations.
14. Any change of use or intensification of use will require permit revision and further environmental review. Any deviation from the project description or requirements of the Planning Commission will subject the use permit to review and possible revocation.
15. Should an odor complaint be reported, the complainant shall be given the opportunity to be present during any site inspection. Results of the inspection and any other follow-up shall be submitted to the complainant.

Environmental Mitigation Measures:

16. MMRP - A.1: Exterior lighting shall be hooded and directed away from adjacent residential development.
17. MMRP - A.2: In order to mitigate for PM₁₀, as recommended by the YSAQMD, emission permittee has agreed to construct a vegetative buffer of mixed deciduous and coniferous tree species along the west and north edges of the expansion corral area and to replace the tree buffer along Midway Road. The buffer shall be a 30-foot wide planting strip and trees shall be spaced at 20 feet on center. Prior to the issuance of a building or grading permit, whichever occurs first, the permittee shall submit a planting and irrigation plan for the vegetative buffer and provide evidence of the Yolo-Solano Air Quality Management District approval of the planting and irrigation plan, to the Department of Resource Management. The tree species shall be as recommended in the Vegetative Buffer Plan.
18. MMRP - BR-1: In order to mitigate for the loss of Swainson Hawk foraging habitat, the project proponent/permittee shall install an additional row of trees suitable for Swainson Hawk nesting and habitat, such as Redwoods, Cottonwoods and/or Willows to the vegetative buffer presented as mitigation A-2 within the 30-foot-wide planter strip. The planting and irrigation plan will be submitted to the Department of Resource Management for Planning Department for review and approval prior to issuance of a grading or building permit, whichever occurs first.
19. MMRP CR-1: In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and the applicant/operator shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. The qualified archaeologist shall determine the nature of the find, evaluate its significance, and, if necessary, suggest preservation or mitigation measures. Appropriate mitigation measures, based on recommendations listed in the archaeological survey report, will be determined by the Director of the Solano County Department of Resource Management. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards.
20. MMRP CR-2: Section 7050.5 of the California Health and Safety Code states that if human remains are found during construction activities, all operations are to cease until the County coroner has determined that the remains are not subject to the provisions of law concerning investigation of the circumstances in the manner provided in Section 5097.98 of the Public Resources Code.

Agricultural Employee Housing

21. Approval of this permit is for one additional agricultural employee housing, for a total of seven (7) agricultural employee housing on the property and supersedes all prior permit approvals including AD-16-04 and AD-16-05. The agricultural employee housing shall comply with the following:
- a. One or more occupants of the dwelling shall be employed by the owner or the lessee of the parcel;
 - b. Non-employee occupants of the dwelling shall be members of the employee's family;
 - c. The employee occupant(s) of the dwelling has rent deducted from his or her wages; and,
 - d. The employee occupant is required to live in the dwelling as a condition of his or her employment.
 - e. The agricultural employee housing is permitted for a maximum of five (5) year period and shall be subject to renewal.
 - f. Comply with the requirements of the State of California Department of Housing and Community Development, Employee Housing Division. Permitting is required when five or more employees are housed at the property.
22. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

ATTACHMENTS:

- Exhibit A - Location Map
- Exhibit B - Draft Resolution
- Exhibit C - Site Plan - Dairy
- Exhibit D - Agricultural Employee House Plan & Elevation
- Exhibit E - Environmental Document
- Exhibit F - Mitigation Monitoring Plan