



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Dakin Spain

APPLICATION NOS.: Initial Study No. 8403 and Unclassified Conditional Use Permit No. 3764

DESCRIPTION: Allow a photovoltaic solar facility and related facilities on a 39.8-acre parcel section from a 56.70-acre parcel within the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) and ACC (Agricultural Commercial Center) Zone Districts.

LOCATION: The subject parcel is located on the northwest corner of W. Athena Ave. and N. Russell Ave., approximately 9.17-miles west from the City of Firebaugh. (APN: 004-120- 02)(48054 W. Athena Ave. Firebaugh) (Sup. Dist. 1).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is in a predominantly agricultural area throughout the region. Images of the subject site depict views of the nearby foothill range located east and northeast of the subject site. Underlying development standards established by the Zone District will regulate construction of the structure to a maximum height of 35 feet. Due to the dark color and low-profile nature of the photovoltaic panels, the solar panels generally do not create a high visual contrast with other parts of the landscape and character. In considering the project will be following development standards of the underlying zone district and that no scenic vista would be negatively impacted by the project, a less than significant impact can be seen.

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site is situated on the northwest corner of W. Athena Ave. and N. Russell Ave. Per Figure OS-2 of the Fresno County General Plan, W. Athena Ave. and N. Russell Ave are not designated as scenic resources. The project site is not located around of the points of interest. As there were no scenic resources identified on the project site, the project is not expected to have a significant impact on a scenic vista or scenic resource.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The mix of rural agricultural views along with views of solar generation facilities in the Project vicinity can be described as representative of views in the region; with a generally rural landscape dominated by agricultural views interspersed with more industrial and developed land uses, existing solar facilities and power lines, as well as machinery, buildings and structures associated with residential and agricultural operations. Overall, the visual character of the Project site is a combination of both agricultural and industrial elements. In addition, there are no significant trees, rock outcroppings, or historical buildings on the Project site that would be affected by the Project, and the Project would not alter long-distance scenic views of mountains, valleys, or other natural features. For these reasons, the Project would cause no impact on scenic resources.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, the project will utilize outdoor site lighting and pole mounted parking lot lights to provide security for the development. To ensure that new sources of lights and glare do not adversely affect day or nighttime views in the area and not substantially impact adjacent properties or public right-of-way, mitigation measures for the placement and design of outdoor lighting will be implemented.

Mitigation Measure(s)

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and facility land. 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 in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or

FINDING: NO IMPACT:

Per Fresno County General Plan Land Use section A.23 Farmland Conversion, discretionary land use projects that are not directly related to or supportive of agricultural uses and which propose the permanent conversion of twenty acres or more of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (as designated by the Farmland Mapping and Monitoring Program) to nonagricultural uses, the County shall consider and adopt feasible measures. Per the 2018 Fresno County Important Farmland Map, the subject property is designated land of Local Importance. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland land of Statewide Importance, and no mitigation measures are required. In addition, the project shall be subject to a reclamation plan which shall restore the project site to its original conditions after 35 years.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or

FINDING: NO IMPACT:

The subject parcel is AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is not subject to a Williamson Act Contract. Although the project will convert the existing zoning from an agricultural use for purposes of generating renewable energy, the applicant has submitted a comprehensive reclamation plan of which shall be reclaimed back to its original agricultural state.

- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land or timberland, and therefore will not result in the loss of forest land or the conversion of forest land or facility land to incompatible uses.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Facility land to non-agricultural use or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Reclamation Plan, mitigation measures for the restoration of the site will be implemented. The subject parcel is AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel will be reclaimed to its original state (as specified in the reclamation agreement). This project is deemed to provide a benefit to Fresno County as a whole, with the assertion after an unspecified time, the land will be reclaimed for agricultural purposes.

Mitigation Measure(s)

- a. *Prior to the County of Fresno's issuance of any grading or development permit, the project owner must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement shall require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement acceptable to the County of Fresno. The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive restoring the site to a viable agricultural use. (e.g., access roads, electrical lines, O&M building).*

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district 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; or

An Air Quality and Greenhouse Gas Emissions Analysis prepared by James A. Reyff & Jordyn Bauer dated August 2, 2023 asserting no measurable impacts to greenhouse gas emissions will occur. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by Air District.

The proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction emissions associated with the project would be below SJVAPCD thresholds for ROG, NO_x, CO, SO_x, PM_{2.5}, or PM₁₀ emissions. In addition to the construction period thresholds of significance, SJVAPCD has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM₁₀ emissions during the construction period. Implementation of regulation requirements would ensure that the proposed project complies with Regulation VIII and further reduces the short-term construction period air quality impacts. Based on the air quality impact analysis, emission estimates for operation of the project calculated using CalEEMod shows that the total project emission resulting from the project would not exceed San Joaquin Valley Air Pollution Control District thresholds for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions; therefore, the proposed project would have a less than significant effect on regional air quality, and thus, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

B. 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located within the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O₃, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, lead and others.

The Air Quality and Greenhouse Gas Emissions Analysis prepared by James A. Reyff & Jordyn Bauer dated August 2, 2023 stated the project does not pose a substantial increase to basin emissions. As the project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

C. Expose sensitive receptors to substantial pollutant concentrations; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately 9.17-miles west from the City of Firebaugh and 0.87-miles north from the nearest sensitive receptor. Pollutant concentrations may stem from the clearing of vegetation and grading of the proposed equipment area. While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed project site.

Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under ambient air-quality standard. The proposal will be subject to General Plan Policy OS-G.14, which requires that all access roads, driveways, and parking areas serving new development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of the use.

D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Based on the Air Quality and Greenhouse Gas Emissions Analysis prepared by James A. Reyff & Jordyn Bauer dated August 2, 2023, heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. As mentioned above, the project site is located approximately 9.17-miles west from the nearest sensitive receptor and will not result in odors negatively affecting a substantial number of people. No other sources of objectionable odors have been identified for the project as the solar panels are not anticipated to emit odors.

The San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the district nuisance rule requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The uses proposed by the subject application are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Has 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the California Department of Fish and Wildlife, California Natural Diversity Database (CNDDDB) BIOS web mapping application and applicant's provided biological report dated October 2022 prepared by Kleinfelder, the field survey focused on the approximate 39.81-acre Project area, although the entire 57-acre parcel was assessed, as well as the 28.8-acre parcel adjoining the northern boundary of the Project parcel. Based on the results of the desktop review and field verification survey, three special-status wildlife species, including burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), and San Joaquin kit fox (*Vulpes macrotis mutica*) were determined to have a moderate or higher potential to occur within the Project area. Other Sensitive or special-status species of which include California Tiger Salamander and Vernal Pool Fairy Shrimp were not identified. To reduce negative impact towards the wildlife, mitigation measures were considered. Therefore, with adherence to the mitigation measures identified above, potential special-status species impacts resulting in disturbing these habitats are determined to be less than significant.

Mitigation Measure(s)

- a. *A nesting bird survey shall be performed by a qualified biologist no earlier than one week prior to any construction during the nesting season (March 1 – August 31) to determine if any native birds are nesting on or near the site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer from the nests should be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. A recommendation to remove any suitable nesting habitat (i.e., trees and vegetation) outside of the bird breeding season to avoid impacts to nesting birds.*

- b. All trash and waste items generated by construction or crew activities should be properly contained in a covered trash receptacle and locked up overnight or removed from the Project site daily. This includes biodegradable items, such as apple cores and banana peels, that attract predators such as raccoons and American crows that could prey upon sensitive wildlife species.*
- c. All Project personnel will visually check for animals in any pipes, culverts, or other open-ended materials and equipment stored on site for one or more overnight periods prior to moving, burying, or capping to ensure that no animals are present within the materials and equipment. To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than six (6) inches deep will be covered at the end of each workday by suitable materials that cannot be displaced or escape ramps will be placed in excavations. After opening and before filling, such holes, ditches, and trenches will be thoroughly inspected for trapped animals.*
- d. A qualified biologist (approved by USFWS) shall perform early evaluation surveys in accordance with the current USFWS-approved protocol for San Joaquin kit fox prior to ground- or vegetation-disturbing activities associated with pre-construction, geotechnical or soils investigations, construction, operations, or maintenance. Upon completion of early evaluation surveys, informal consultation with USFWS will be initiated to determine proper techniques to employ to avoid impacts to this species during project construction, which would be considered significant under CEQA.*
- e. Security fences installed on the project site shall be designed to enable passage of San Joaquin kit fox and their prey, while impeding the passage of larger predators, such as coyotes (*Canis latrans*) and larger domestic dogs. All fencing shall leave a 4- to 6-inch opening between the fence mesh and the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that pass under the fence. Fences shall be monitored quarterly to ensure that any damage or vandalism is quickly repaired.*
- f. A qualified biologist shall initiate preconstruction surveys prior to the onset of construction, based on the seasonal timing of construction (i.e., breeding season vs. nonbreeding season surveys). If burrowing owls and occupied burrows are detected during surveys, avoidance of occupied burrows is the preferred strategy. If avoidance is infeasible, buffers from occupied burrows should be employed.*
- g. A qualified biologist will conduct an environmental education program for all persons working on the Project prior to the onset of construction. A discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered will be included in the training. The status of special-status species, including legal protection, penalties for violations, and Project-specific protective measures will also be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be*

provided for any new workers prior to on-site Project activity. Copies of the training will be maintained at the worksite with the Project supervisor, and a handout containing this information will be distributed for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and understand all protective measures.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the National Wetlands Inventory mapper web application, the project site has the potential to negatively affect riparian habitat or other sensitive natural community. With the mitigation measures identified (Section A) impacts resulting in disturbing these habitats can be mitigated to less than significant.

Mitigation Measure(s)

1. See Section XV (A).

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

FINDING: NO IMPACT:

The proposed project is not located within a state or federally-protected wetland. No state or federally-protected wetlands will be affected.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is likely to affect and may interfere substantially with the movement of any native resident or migratory fish or wildlife species.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

This project does not conflict with any local policies or ordinances protecting biological resources.

- 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?

FINDING: NO IMPACT:

The majority of the site is project site is unimproved with no vegetation. The project is not within any Conservation Plan area. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinance.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Additional mitigation measures including proper procedure for identification of cultural resources should they be identified during project construction and the requirement of an archeological monitor being present during ground-disturbing activity will further ensure that the project would result in a less than significant impact. Further discussion can be found in Section XVIII. Tribal Cultural Resources.

Mitigation Measure(s)

1. See Section XVIII. Tribal Cultural Resources

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will also be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), effective January 1, 2020, to meet the goals of Assembly Bill (AB) 32 which established a comprehensive program of cost-effective reductions of greenhouse gases to 1990 levels by 2020.

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Energy resource consumption is expected to occur during project construction and operation. The proposed development is subject to current building code standards which would consider state and local energy efficiency standards and renewable energy goals. The project would result in a less than significant impact.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. 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?

FINDING: NO IMPACT:

Per the California Department of Conservation's Earthquake Hazard Zone Web Application, the project is not located within or near an Earthquake Fault Zone or known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project site is located on land that has a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with 10% probability in 50 years. In consideration of Figure 9-5, the project site has a low chance of reaching peak horizontal ground acceleration and would have a low chance of being subject to strong seismic ground shaking.

3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

As depicted in Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located within an area with landslide hazard or subsidence hazard. In addition, as noted above, the project site is not expected to be subject to strong seismic shaking which if prolonged would result in liquefaction of the site.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project construction may result in the loss of topsoil due to the addition of impervious surface. The existing terrain of the project site is relatively level. The project would be subject to local and state standards for development of the site. Development of the site would be further reviewed and permitted and would ensure that the development would not result in substantial soil erosion where increased risk would occur.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No adverse geologic unit or unstable soil has been identified on the project site.

- C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located on soils exhibiting moderately high to high expansion potential.

- D. 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-1 of the FCGPBR, the project site is not located on identified areas having expansive soils.

- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

FINDING: NO IMPACT:

The operational characteristics of the proposal will not require a septic system or alternative wastewater disposal system to be installed. No unique paleontological or unique geologic features were identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Analysis Report* Illingworth and Rodkin Inc. dated August 2, 2023, during construction and operations, which would generate approximately 0.26 metric tons of CO₂ emissions (MTCO₂e). The subject project estimates a 180-day (six-month) construction period with an average of five employees per day. In addition to the estimated employee trips, a total of 30 delivery truck trips are projected to deliver all equipment and materials for the development of the project. The project is for a renewable energy generation facility that would assist in decreasing GHG emissions by offsetting emissions resulting from other power generation resources. The project would further result in local, regional, and statewide GHG emissions reduction targets and would not conflict with an applicable plan, policy, or regulation adopted to reduce GHG emissions.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of this application by the Air District indicated that this project, with adherence to regulatory requirements proposed by the Air District, would follow their policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases.

These requirements provide oversight for the project to ensure that standards continue to be met. As they do not address any specific impacts, they will be included as conditions of approval to the Conditional Use Permit associated with this Initial Study. The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO_x and PM₁₀ emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions. Adherence to the Air District's regulations will ensure less than significant impacts on the release of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and provided comments. These comments include compliance of the project with State and local regulations for the use and/or storage of hazardous materials and wastes should they be utilized. Regulations include compliance with the California Health and Safety Code and preparation of submittal of a Hazardous Materials Business Plan. With the project's compliance with applicable State and local handling and reporting requirements, the project is not likely to result in a significant hazard or result in a significant hazard due to 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?

FINDING: NO IMPACT:

There are no existing schools within a one-quarter mile of the project site nor any indication of any designated sites for a school within the Specific Plan area. The closest school, Faith Academy, is located 10.40-miles southeast of the project site.

- 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?

FINDING: NO IMPACT:

According to the NEPAAssist database, there are no listed hazardous materials sites located on the project site, nor in proximity of the subject site.

- 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 or excessive noise for people residing or working in the project area; or

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Firebaugh Airport, is located 10-miles southwest to the project site. According to a letter by the Federal Aviation Administration's Southwest Regional Office, the Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77 and concluded the aeronautical study as proposed does not exceed obstruction standards and would not be a hazard to air navigation.

Given the nature of the operation, the unmanned solar facility will not subject individuals to safety and noise impacts resulting from flying operations on people residing or working in the project area. The impact is deemed to be less than significant.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

FINDING: NO IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is not within the State Responsibility area for wildland fire. Potential exposure to wildland fires is deemed less than significant as the area is away from sensitive receptors who may be negatively affected from potential risk of wildfires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not violate any water quality standards. The project site falls under the purview of the Westland Water District. The land is currently eligible to receive an allocation of water from the District's agricultural water service contract.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, the following shall be included as Project Notes: 1) In an effort to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed; 2) the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Health Department prior to commencement of work; and 3) if any underground storage tank(s) are found during mining activities, the applicant

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The description indicates that the project will be temporary in nature, will be decommissioned after the useful life and the land will be returned to a condition that is suitable for agricultural use, as reflected in the Reclamation Plan that contains financial assurances that the decommissioning will be completed. Water will be trucked in six times per year to clean the solar panels. No groundwater will be used from the site.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?

FINDING: NO IMPACT:

The project site is not expected to alter any existing drainage pattern of the site or area, including through the alteration of the course of a stream or river. Any additional storm water runoff generated by the development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained onsite, per County Standards.

- 1. Result in substantial erosion or siltation on- or off-site.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading and drainage associated with the construction of the solar facility will adhere to the Grading and Drainage Sections of the County Ordinance Code.

The Applicant shall provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation, and drainage.

- 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

- 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall require: 1) an engineered grading and drainage plan to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3) providing copies of completed NOI and SWPPP to Development Engineering prior to any grading work. These requirements will be included as Project Notes.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or

FINDING: NO IMPACT:

According to FEMA FIRM Panel 06019C0950H the parcel is not subject to flooding from the 100-year storm.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The subject proposal would not conflict with any Water Quality Control Plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is located approximately 9.17-miles west from the City of Firebaugh and as such do not pose any threat to an established community as the surrounding parcels consist of agricultural land, and not therefore physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project and complies with Fresno General Plan policies.

XII. MINERAL RESOURCES

Would the project:

- 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; or
- 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?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located within a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Noise from increased vehicular traffic on and around the project site during construction of the storage pond would be less than significant. Construction-related noises are expected to be short term and exempt from compliance with the Fresno County Noise Ordinance, provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project involves the creation of a new solar facility with related equipment. A Project Note would require that the construction of the project shall comply with the County Noise Ordinance regulations.

- C. For a project located within the vicinity of a private airstrip or 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 be residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Firebaugh Airport, is located 10-miles southwest to the project site. Per the Fresno County Airport Land Use Compatibility Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest private airport, Eagle Field Airport, is located westerly adjacent to the project site. In addition, the nearest public airport, Firebaugh Airport, is located 10-miles southwest to the project site. According to a letter by the Federal Aviation Administration’s Southwest Regional Office, the Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77 and concluded the aeronautical study as proposed does not exceed obstruction standards and would not be a hazard to air navigation.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned 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)? Or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed new solar facility with related equipment on a +/-40-acre parcel will not result in any unplanned population growth.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The site is currently vacant and will not displace any exiting people or houses necessitating housing replacement elsewhere.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
 - 1. Fire protection.
 - 2. Police protection.
 - 3. Schools.
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities. As stated in the project description, the primary use of the project is to allow for a photovoltaic solar facility and related facilities of which will not require additional resources to be spent towards fire, police, schools, parks or other public facilities.

XVI. RECREATION

Would the project:

- 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; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed new solar facility with related equipment on a +/-40-acre parcel will not result in the expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and required a traffic management plan to determine the project's impacts to County roads and intersections. According to the traffic and operational statement dated March 22, 2023, project construction is anticipated to occur over a six-month construction period with an average of five employees a day. In addition to employee trips, an estimated five delivery truck trips associated with equipment and materials per day. This will provide an increase in overall trip generation, however, would have a minimal impact on the average daily trip for construction related traffic. Once construction of the project is complete, trip generation related to operation would be minimal, as monitoring of the site would be remotely conducted. It is anticipated there would be occasional maintenance of the facility, but it would be sporadic and completed using a regular pickup truck. Additionally, PV module cleaning would occur twice a year where a water tanker truck would be utilized.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict nor be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). With the anticipated number of daily trips generated during construction and daily trips associated with operation, the project will generate less than 110 trips per day and can be assumed under guidance of the operational statement that the project would result in a less than significant impact.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., facility equipment)? or
- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Road Maintenance & Operations division reviewed the proposal and required a traffic management plan be conducted.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No requests for consultation were presented to County Staff.

However, in the unlikely event that cultural resources are identified on the property, the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce impact to tribal cultural resources to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY above. The construction of any new or

expanded electric power, or natural gas to provide for the proposed residential development.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Water usage shall primarily consist of solar panel washing. All water use shall be trucked in from off-site.

- C. Result in a determination by the wastewater treatment provider which 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?

FINDING: NO IMPACT:

No wastewater is expected to be generated for the solar facility.

- D. Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not anticipate on generating solid waste exceeding State or local standards. As such, the impact would be a less than significant impact.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal was routed to the Fresno County Fire Department who expressed no concern over the project. The project is not located within the State Responsibility Area (SRA). The project will not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially 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; or

FINDING: NO IMPACT:

The project site is not located within an area of wildlife and wetlands.

- B. 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); or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, and Biological

Resources will be mitigated by compliance with the Mitigation Measures listed in Sections I., V., and XVII of this report.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts relating to Agricultural, and Forestry Resources, Air Quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Energy will be addressed with the Mitigation Measures discussed above in Section I, Section IV, Section V and Section VI.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8403 prepared for Unclassified Conditional Use Permit No. 3764, staff has concluded that the project will not have a significant effect on the environment.

No potential impacts were identified related to population, recreation, wildfire, housing mineral resources.

Impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, agricultural and forestry resources, , hydrology and water quality, land use and planning, noise, energy, public services, transportation, utilities and service systems, and have been determined to be less than significant.

Impacts related to aesthetics, biological resources, and tribal cultural resources have been determined to be less than significant with adherence to the proposed Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. "A", Fresno, CA.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

ER

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3700-3799\3764\CEQA\CUP 3764 & IS 8403- IS Writeup.docx