



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 June 22, 2023

SUBJECT: Initial Study No. 8210 and Unclassified Conditional Use Permit Application No. 3738

Allow a photovoltaic solar energy generation facility on an approximately 40-acre portion of a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of State Route 180 (W. Whitesbridge Avenue) approximately 1.5 miles west of its intersection with S. James road and is approximately 7.4 miles east of the City of Mendota (APN: 015-100-20S) (24387 W. Whitesbridge Road) (Sup. Dist. 1).

OWNER: Bar 20 Dairy, LLC.

APPLICANT: H2B2 USA, LLC.

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8210; and
- Approve Unclassified Conditional Use Permit Application No. 3738 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plans and Detail Drawings
6. Applicant’s Operational Statement
7. Reclamation Plan and Cost Estimate (Draft)
8. Summary of Initial Study No. 8210
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	324.66 acres	No change
Project Site	See above	Approximately 40.0 acres will be developed as a photovoltaic solar energy facility
Structural Improvements	Ground Mount Solar Array and Single-Family Residence	40-acre solar energy generating facility to operate in conjunction with approved hydrogen facility
Nearest Residence	Approximately 200 feet east of the proposed solar array; located on the subject parcel	No change
Surrounding Development	Dairy, Agriculture, and Minimal Single-Family Residential	No change
Operational Features	Hydrogen generation facility powered by digester facility located on westerly adjacent dairy	Solar facility to supply electricity for hydrogen production
Employees	Three employees to operate the plant, each serving one eight-hour shift	Once constructed, the solar facility will be unmanned

Criteria	Existing	Proposed
Customers	Three employees and two delivery trucks	No customers
Traffic Trips	N/A	Construction related trips
Lighting	N/A	Outdoor lighting proposed
Hours of Operation	N/A	24 hours a day 7 days a week, with a total of three employees (at least one person to be on site 24 hours a day)

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8210 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 8) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: April 21, 2023.

PUBLIC NOTICE:

Notices were sent to 22 property owners within one mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

None

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit Application may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

Permit records indicate the presence of a five and one-half acre ground mount solar array and single-family residence on the subject parcel. The project proposes to generate electrical energy to supply the existing hydrogen production plant, which also takes power from the nearby anaerobic digester facility located on the dairy, on the westerly adjacent parcel. The anaerobic digester facility was approved under Unclassified Conditional Use Permit No. 3580 (CUP 3580).

Finding 1: **That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	AE-20 Front Yard: In excess of 35 feet Side Yard: Approximately 122 feet Rear Yard: In excess of 20 feet	Y
Parking	One parking space for every 2 employees	Four spaces plus one ADA accessible space	Y
Lot Coverage	No requirements	No change	Y
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty feet of any dwelling or other building for human habitation	No change	Y
Wall Requirements	No requirement unless pool is present	No change	Y
Septic Replacement Area	100 Percent Replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning and Permit Review Unit of the Fresno County Department of Public Works and Planning: A Site Plan Review application and approval will be required. This shall be included as a Condition of Approval.

A site inspection and evaluation permit and septic system permit shall be required prior to permit issuance related to the hydrogen generation facility. All proposed improvements will require building permits and final inspection.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: Internal access roads shall comply with required widths by the Fire District for emergency apparatus.

The operational statement indicates that up to 3 employees will be on site at the facility. Off-street parking requirements shall be one (1) parking space for every two employees on site for a minimum of 2 parking spaces, one of which shall be an ADA van accessible parking stall located as close as possible to the main entrance of the main building.

Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) and require submittal of landscape and irrigation plans per Governor Drought Executive Order of 2015. The landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2050H, the northeasterly portion of the area of the subject property is within Special Flood Hazard Area, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any proposed structure and associated electrical equipment/electrical system components including manure storage and drying located in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements.

The above comments provided by reviewing agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

Review of the submitted site plan indicates that the proposed solar array will be located outside of required setbacks. Including the 50 foot perimeter buffer required specifically for Solar projects. Development of the project will comply with all development standards of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Additional review of the proposed improvements would occur during the building permit review. The 40-acre project site is only a portion of the 325-acre parcel, the footprint of the site could have been larger or smaller but was sized to match the projects designed size. No concerns were expressed by reviewing agencies and departments to indicate that the subject parcel is not adequate in size and shape to accommodate the proposed use.

As is standard practice, based on the County's Solar Development Guidelines, the proposed Condition of Approval No. 2 requires the projects owners to enter into a reclamation agreement with the County to guarantee that if the project ceases that the land is returned to its original state suitable for continued agriculture uses. It also requires a financial surety to guarantee funds are available to affect the reclamation. Exhibit 7, the Reclamation Plan and Cost Estimate, is the instrument that is the basis for the agreement, however this exhibit is only in a draft state, it does not yet meet the County's criteria, as such it should be noted that as specified in the recommended Condition of Approval, the Reclamation Plan and Cost Estimate are subject to County review and approval.

Recommended Conditions of Approval:

Site Plan Review will be required as well as a reclamation agreement and financial assurance to be approved by the Board of Supervisors (See Conditions 2 and 3 of Exhibit 1).

Finding 1 Conclusion:

Finding 1 can be made, as the size and shape of the project site as configured specifically for the use is adequate to meet applicable the County development standards.

Finding 2: **That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Subject parcel has frontage along State Route 180 (W. Whitesbridge Avenue)	No change
Direct Access to Public Road	Yes	An existing driveway located between the subject parcel and westerly adjacent parcel provides access to SR 180	Proposed operation will utilize existing driveway
Road ADT		7,400 ADT	No change
Road Classification		State Highway 180	No change
Road Width		Approximately 60 feet improved right-of-way	No change
Road Surface		Paved Asphalt	No change
Traffic Trips		N/A	Increase in 5 round trips (10 one-way trips) based on 3 employees and up to two trucks to export hydrogen
Traffic Impact Study (TIS) Prepared	No	N/A	A Traffic Impact Study was not required
Road Improvements Required		N/A	No requirement

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

California Department of Transportation (Caltrans): Caltrans recommends site access through the existing driveway and not by any new point of access.

Development Engineering Section of Public Works and Planning Department: State Highway 180 (W. Whitesbridge Avenue) is classified as a State Route per Figure TR-1a of the Fresno County General Plan and is not a County-maintained road.

Any proposed or existing driveway should be set back a minimum of 10 feet from the property line.

For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.

Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line of the length of the longest truck entering the site and shall not swing outward.

The above comments provided by reviewing Agencies and Departments are to be included as project notes unless otherwise stated. No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

According to the Applicant’s operational statement, the proposed solar array will not regularly have any employees on site once constructed. The subject parcel has road frontage along State Route 180 (W. Whitesbridge Avenue) and is maintained by the California Department of Transportation (Caltrans). Caltrans’ comments the related hydrogen project approved by CUP 3691, indicates that site access be taken through the existing driveway and not by any new point of access. Caltrans did not provide any additional comment on this project. There are no County facilities (roads) being directly affected by the project.

Recommended Conditions of Approval:

None

Finding 2 Conclusion:

Finding 2 can be made, as State Route 180 which serves the site is adequate for the use.

Finding 3: **That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.**

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	78.18 acres	Field Crops	AE-20	N/A
South	639.03 acres	Orchard	AE-20	N/A
East	39.16 acres	Orchard	AE-20	N/A
	120.94 acres	Orchard		
West	324.66 acres	Dairy	AE-20	N/A

Reviewing Agency/Department Comments:

Department of Public Health, Environmental Health Division: The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance.

San Joaquin Valley Air Pollution Control District: Based on information provided to the District, Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District’s significance thresholds.

In order to reduce impacts from construction related diesel exhaust emissions, the District recommends that the project utilize the cleanest available off road construction equipment, including the latest tier equipment.

Fresno County Fire Protection District: The project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Development includes Single-Family Residential (SFR) properties of three or more housing units, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

The above comments provided by reviewing Agencies and Departments are to be included as project notes. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

There are no sensitive receptors in the immediate vicinity of the array; there is a residence on the same parcel approximately 200 feet east of the proposed solar array. There are no scenic vistas other critical resources that would be impacted by the use. A Health Risk Assessment was prepared and considered by the San Joaquin Valley Air Pollution Control District but found no potential for adverse effects on abutting properties and the surrounding neighborhood.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made, as the analysis considered above indicates there would be no adverse impacts to the surrounding area.

Finding 4: That the proposed development is consistent with the General Plan.

Reviewing Agency Comments:

Policy Planning Section of Public Works and Planning Department: Review indicates that the proposed hydrogen fuel production facility does not impact County General Plan policies.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

There are no relevant General Plan policies that would be impacted by the project proposal. The use is allowed with the AE-20 zone district subject to a conditional use permit, and the zoning is consistent with the General Plan land use designation of Agriculture.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made as there are no identified conflicts with relevant General Plan policies, the project is consistent with the Fresno County General Plan land use designation.

Finding 5: **That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.**

Finding 5 Analysis:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Finding 5 Conclusion:

Finding 5 can be made.

SUMMARY CONCLUSION:

The project provides energy to the previously approved Hydrogen Production Facilities on the same parcel, is not an impediment or adverse impact to the surround area and can be made to comply with the County’s development standards for solar facilities. Based on the factors cited in the analysis, the required Findings for granting the Conditional Use Permit Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3738, amending Unclassified Conditional Use Permit No. 3691, subject to the recommended Conditions.

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 8210; and
- Move to determine the required Findings can be made as described in the Staff Report and move to approve Unclassified Conditional Use Permit Application No. 3738, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3738; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No.8210 and
Unclassified Conditional Use Permit Application No. 3738
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
Conditions of Approval					
1.	Development shall be in substantial accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement as approved by the Planning Commission.				
2.	<p>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. Such financial assurance may be in any other form of security acceptable to the County of Fresno.</p> <p>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</p>				

	<p>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).</p> <p>Additionally, the project owner will enter into an agreement with the County of Fresno, Department of Public Works and Planning and provide a deposit of funds to cover all expenses incurred by County in the preparation, administration and monitoring of the reclamation agreement.</p>
3.	<p>Before any building or structure related to this project is erected, a complete site plan shall be submitted to and approved by the Director of the Department of Public Works and Planning pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance. Such site plan shall encompass all that area shown on the approved master plan. Conditions of the Site Plan Review may include, but are not limited to, design of parking and circulation, grading and drainage, fire protection, and control of lighting.</p>

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>The Zoning Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • A site inspection and evaluation permit and septic system permit shall be required prior to permit issuance related to the hydrogen generation facility. • All proposed improvements will require building permits and final inspection
2.	<p>The Site Plan Review Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • A dust palliative should be required on all unpaved parking and circulation areas. • Per County Parking Standards, twenty-nine (29) feet is required for back-up clearance in parking areas. • The operational statement/project description indicate that up to 3 employees will be on site at the facility. Off-street parking requirements shall be one (1) parking space for every two employees on site for a minimum of 2 parking spaces, one of which shall be an ADA van accessible parking stall located as close as possible to the main entrance of the main building. • Parking stall shall be constructed in compliance with County and state standards. • All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. A four (4) foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. • ADA stalls shall be concrete, or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons does not cross driveway into parking lot.

Notes

	<ul style="list-style-type: none"> • Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt. • Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. • No building or structure erected in the AE-20 Zone District shall exceed 35 feet in height per Section 816.5-D of the Fresno County Zoning Ordinance. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agricultural) Zone District. • Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of landscape and irrigation plans per Governor Drought Executive Order of 2015. The landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.
<p>3.</p>	<p>The Development Engineering Section of the Department of Public Works and Planning provided the following comments:</p> <ul style="list-style-type: none"> • Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into Caltrans right-of-way, and must be retained on-site per County standards. • Typically, if the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning will be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. • Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board. Storage pond should be located outside the Special Flood Hazard Area. • A grading permit or voucher is required for any grading proposed with this application. • Any proposed or existing driveway should be set back a minimum of 10 feet from the property line. • For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. • Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line of the length of the longest truck entering the site, and shall not swing outward. • According to FEMA FIRM Panel 2050H, the northeasterly portion of the area of the subject property is within Special Flood Hazard Area, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any

Notes

proposed structure and associated electrical equipment/electrical system components including manure storage and drying located in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt materials used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every structure proposed to be constructed within the Special Flood Hazard Area. If the proposed building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines may be required.

4. The Department of Public Health, Environmental Health Division provided the following comments:

- The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance.
- Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.
- If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
- New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.

As a measure to protect ground water, all water wells, and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

5. The San Joaquin Valley Air Pollution Control District provided the following comments:

- District Rule 2010 and 2201 – Air Quality Permitting for Stationary Sources: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2021 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). This project will be subject to District Rule 2010 and Rule 2201 and will require District permits.

Notes

	<ul style="list-style-type: none">• District Regulation VIII – Fugitive PM10 Prohibitions: The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.• The project may also be subject to the following District rules: Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
6.	<p>The Fresno County Fire Protection District provided the following comments:</p> <ul style="list-style-type: none">• The Project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the Applicant’s responsibility to deliver a minimum of two sets of plans to the FCFPD.• Project/Development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Development includes Single-Family Residential (SFR) properties of three or more housing units, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property.• Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

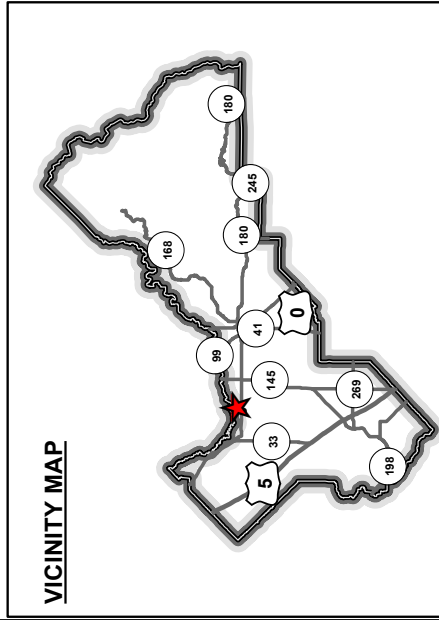
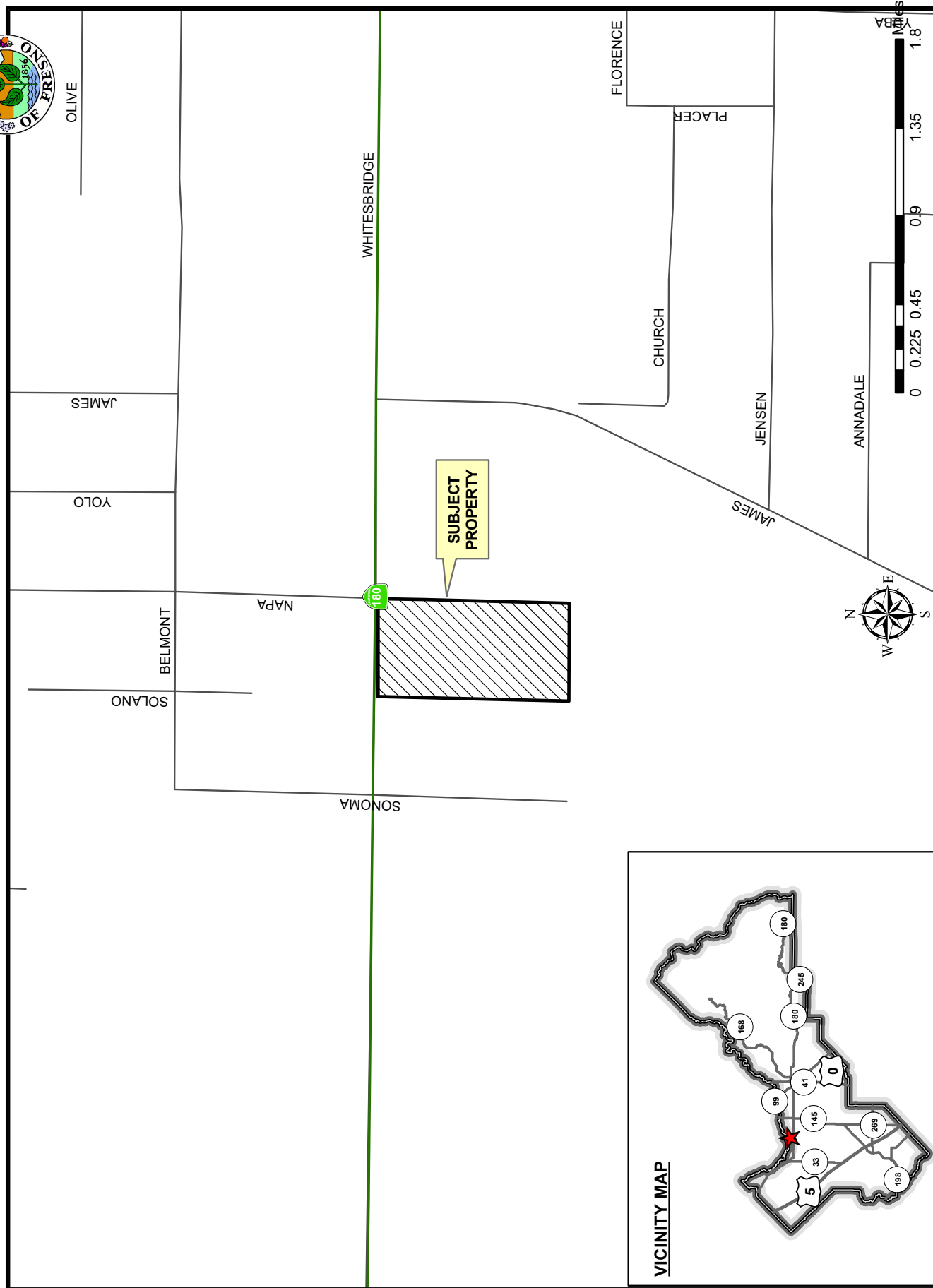
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EXHIBIT 2

LOCATION MAP

UCUP 3738



UCUP 3738
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EXISTING ZONING MAP

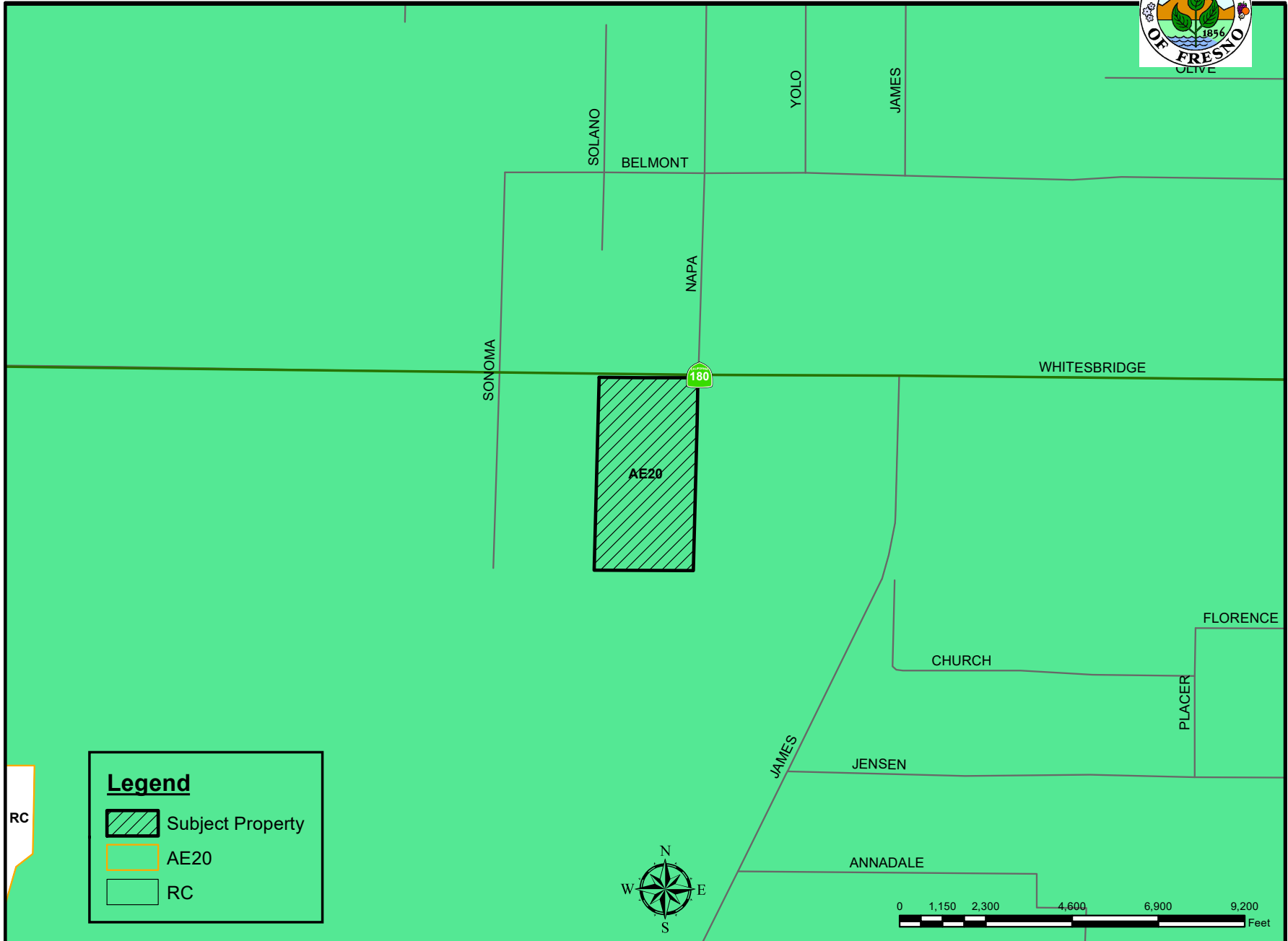
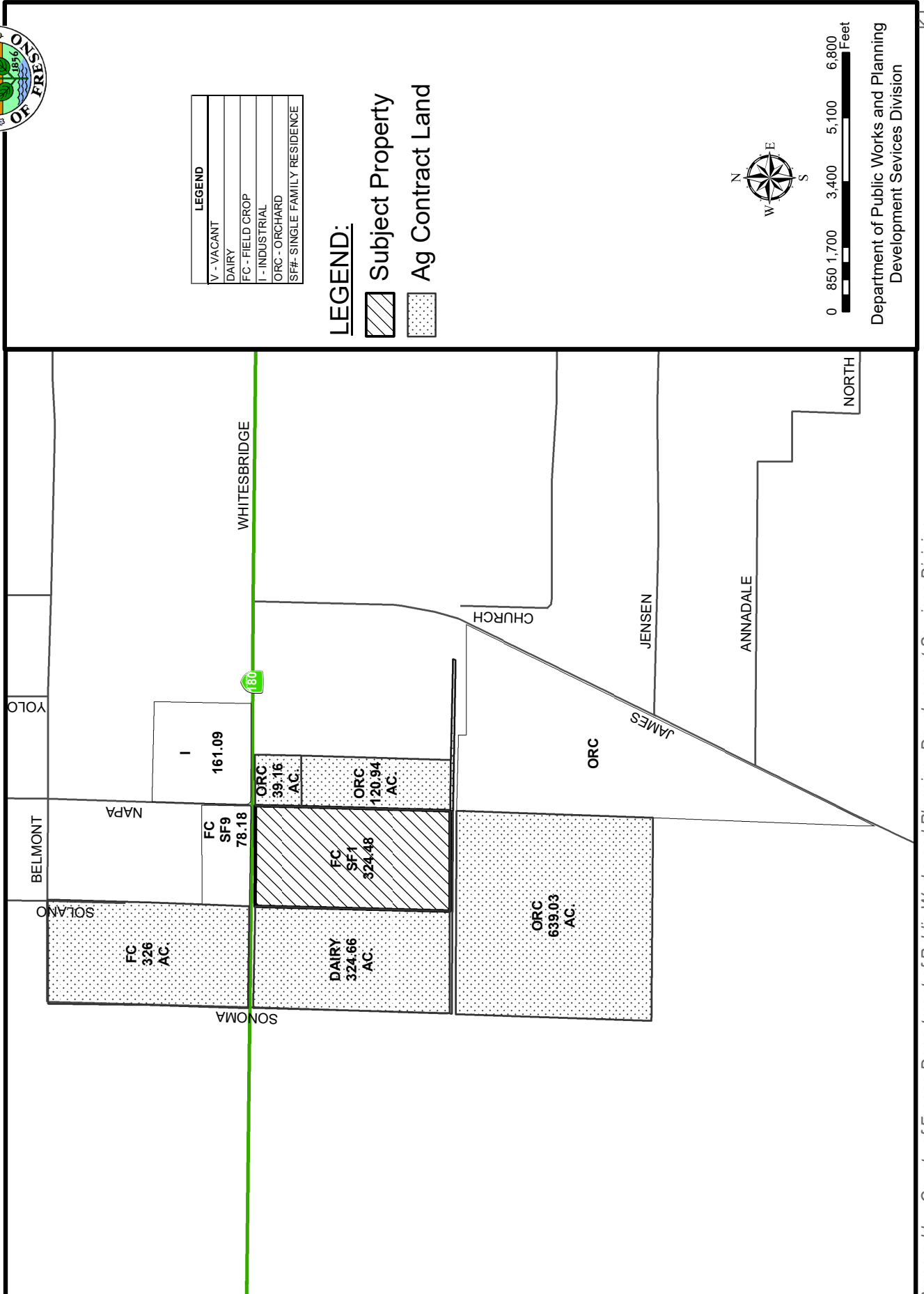


EXHIBIT 3



EXISTING LAND USE MAP

UCUP 3738



PROJECT AERIAL SITE PLAN / VICINITY MAP



APN: 015-100-005
 Site Area: 1.25 ± acres
 Existing Use: Agriculture
 General Plan Designation: Exclusive Agriculture
 Zoning: AE20
 Source of Water:
 Source of Gas:
 Source of Electricity:
 Solid Waste:
 Storm Drainage:
 Site Owner:
 H2B2 USA, LLC
 250 E. Belmont Ave.
 Fresno, CA 93701
 Applicant:
 H2B2 USA, LLC
 250 E. Belmont Ave.
 Sacramento, CA 95814
 Applicant Representative:
 Dirk Poeschel
 Land Development Services, Inc.
 923 Van Ness Avenue, Suite 200
 Fresno, CA 93721
 (559) 445-0374



NOTE: THIS PLAN AND ANY INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION AND DATA PROVIDED HEREIN.

DIRK POESCHEL
 Land Development Services, Inc.

DIRK POESCHEL
 Land Development Services, Inc.
 923 Van Ness Avenue #200, Fresno, California 93721
 559 / 445-0374 Fax: 559 / 445-0551

H2B2 USA, LLC - Solar Farm Site Plan
 Bar 20 Dairy
 24387 W. Whitesbridge Ave.
 Kernan, CA 93630

DESIGNED BY:	M. Stone
PROJECT NO.:	20-34
DATE:	
REVISIONS:	
REVIEWED:	

SHEET NO.: **1**
 OF **2** SHEETS

CONDITIONAL USE PERMIT No.



APN: 015-100-205

APN: 015-100-205
 Site Area: 324.48 ± acres
 Existing Use: Agriculture
 General Plan Designation: Exclusive Agriculture
 Zoning: AE20
 Source of Water:
 Source of Gas:
 Source of Electricity:
 Solid Waste:
 Storm Drainage:
 Site Owner:
 BAR 20 Dairy, LLC
 250 E. Belmont Ave.
 Fresno, CA 93701
 Applicant:
 H2B2 USA, LLC
 1215 K Street, Suite 1700
 Sacramento, CA 95814
 Applicant Representative:
 Dirk Poeschel
 Land Development Services, Inc.
 923 Van Ness Avenue, Suite 200
 Fresno, CA 93721
 (559) 445-0374



Example of Solar Farm layout

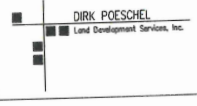
NOTE:
 THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.



DATE: 11/20/24	PROJECT NO: 20-54
DRAWN BY: [Name]	CHECKED BY: [Name]
REVISIONS:	
SHEET NO.: 2	OF 2 SHEETS

H2B2 USA, LLC - Solar Farm Site Plan
 24387 W. Whitesbridge Ave.
 Kerman, CA 93630

DIRK POESCHEL
 Land Development Services, Inc.
 923 Van Ness Avenue #200, Fresno, California 93721
 559 / 445-0374 Fax: 559 / 445-0551



**H2B2 – Onsite Solar
Operational Statement**

**June 22, 2022
(Revised November 2, 2022)**

Applicant:

H2B2 USA, LLC
1215 K St., Suite 1700
Sacramento, CA 95814

Record Owners:

Bar 20 No. 4, LP, a California Limited Partnership
250 E. Belmont Ave.
Fresno, CA 93701

APN:

015-100-20S, a portion thereof

Parcel Area:

40 +/- Ac., a portion of a 324.66 +/- Ac. site

Location:

24387 W. Whitesbridge Rd., Kerman, CA 93630 (Bar 20 Dairy)

Request:

To allow a ground mounted solar field in the AE-20 Zone District that will provide power to an existing hydrogen facility approved by Unclassified Conditional Use Permit No. 3691 and Site Plan Review No. 8246.

Background

The applicant desires to construct a ground mounted solar field on 40 +/- acres, a portion of APN 015-100-20s, in the AE-20 Zone District. The site is within a 324.66 +/- acre site owned by Bar 20 No. 4, LP. The solar energy produced from the photovoltaic (PV) solar modules will be used to power the existing hydrogen facility. This implementation will further reduce greenhouse gas emissions. As previously mentioned, the hydrogen facility has been approved through Unclassified Conditional Use Permit (U-CUP) No. 3691 and Site Plan Review (SPR) No. 8246.

Unclassified CUP No. 3691

Unclassified CUP No. 3691 approved a hydrogen facility to produce and operate the generation of hydrogen utilizing H2B2 USA, LLC patented PEM (Polymer Electronic Membrane) technology.

The hydrogen facility has three options for a power source. Option 1 is to be powered by PG&E. Currently, the PG&E application has been completed and will provide power to the existing hydrogen facility. This option will have limited power capacity and the hydrogen facility will not be able to operate 100% with the power grid only.

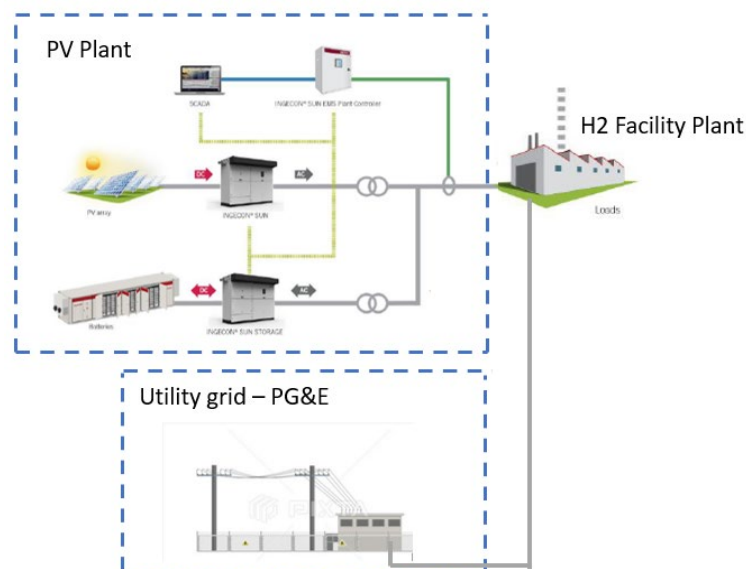
Option 2 for a power source is utilizing biogas. Manure from Bar 20 Dairy will be flushed into collection areas on the Bar 20 Dairy site, then piped to an anaerobic digester located at the hydrogen facility.

Option 3 is the proposed solar field that will provide more cost effective and clean energy for the existing hydrogen facility. Solar power represents an alternative power source and is environmentally proven to save fossil fuel consumption. Additionally, the proposed solar field has the following characteristics:

1. Federal, state and local energy policies support such solar efforts.
2. Current federal incentives will soon expire eliminating this important competitive tool.
3. California energy prices are very high in making alternative power critical to the State of California.
4. The use of the solar power is for a legitimate agricultural operation.
5. For company to stay competitive in the world marketplace they need to move forward in their “green” effort and solar power offers this opportunity.

1. Nature of the Operation

The hydrogen facility was designed with capacity to power electrolyzers. The estimated power requirement of 15MW of power will be provided by the proposed solar field.



The solar field will be built on a 40 +/- acre site, which will be leased from the Bar 20 Dairy Farm. The solar field will have solar modules, inverters, transformers, battery storage and master control for coordination and control of the solar field. The solar field will typically operate disconnected from the PG&E grid and 100% of the power produced will be utilized to power the existing hydrogen facility. The solar field will operate daily, depending on the position of the sun and weather conditions. Construction of the solar field will be developed in two phases:

- Phase 1 will be the installation of 5 MW. To allow the operation of one electrolyzer
- Phase 2 will be the installation of 10 MW, to allow the plant to operate at full capacity

2. Operational Time Limits

The solar field will operate daily, depending on the position of the sun and weather conditions. The solar field will operate 6-8 hours in winter and 12-14 hours in the summer.

3. Number of Customers/Visitors

The solar field is not open to the public and will not receive visitors.

4. Employees

The solar field will be operated by the employees of the existing hydrogen facility; three (3) employees each serving one eight-hour shift. No additional employees will be required for the operation of the proposed solar field.

5. Service/Delivery Vehicles

No equipment maintenance will occur on site. Routine yard maintenance will keep all areas of the facility clean and free of debris.

6. Site Access

As illustrated on the project site plan, a paved, gated entrance to the site exists on W. Whitesbridge Rd. (SR 180) north of the proposed project site. That entry was permitted for Bar 20 Dairy and has a 100 ft. paved *knock off* area. Site access will be restricted by existing fencing.

7. Number of Parking Spaces for Employees

Parking spaces will meet county standards.

8. Goods Sold on Site

No goods will be sold on site.

9. Equipment Used

Project equipment requirements are:

- a. Solar modules
- b. Inverters
- c. Transformers
- d. Battery storage
- e. Switchgear and control system

Equipment vendors are under evaluation. However, all vendors are internationally recognized suppliers and leaders in their respective industry.

10. Supplies/Materials

No supplies or materials will be used or stored at the project site. Any items required for periodic maintenance of the solar panels will be carried on maintenance vehicles.

11. Does the Use Cause an Unsightly Appearance, Noise, Glare, Dust, Odor

Noise:

No speakers of any kind will be used at the solar field. All requirements of the Fresno County Noise Ordinance will be met. There will be no outdoor public address system. Further, due to the size of the Bar 20 Dairy, there are no proximate noise receptors. All transport vehicles will comply with manufacturers and applicable regulations including mufflers, idling, etc.

Glare:

All lighting will be hooded and directed downward focusing on the project site.

Dust:

During normal operation of the solar field, circulation of vehicles is not necessary. Only limited vehicle travel to maintain the solar facility is required.

Odor:

No odor will be generated by the solar field. To reiterate, the proposed solar field is part of a 324.66 +/- acre commercial dairy. The closest receptor is located at APN 015-100-21S which is owned by Bar 20 No. 4, LP.

12. Solid/Liquid Waste Produced

The solar field will produce no solid or liquid waste. The solar field will not include office and restroom facilities. H2B2 USA, LLC staff will control the solar field from the existing hydrogen facility.

13. Estimated Volume of Water Used

H2B2 USA, LLC is researching cleaning alternatives to significantly reduce water consumption for the solar field. However, consumption will depend on vendors. The current estimated water consumption for cleaning the solar panels is approximately 2.5 - 3 liters for 10 panels. H2B2 estimates that the solar field will require a total of 32,760 panels for the final phase and each panel to be properly cleaned twice a year. With these estimations, the solar field will use 20,000 liters per year or equivalent to 55-60 liters per day (14 -16 gallons per day).

14. Proposed Advertising

There will be no signage proposed on the project site. All signage for safety purposes will be posted as required by Cal OSHA and by City of Fresno signage standards.

15. Existing or New Buildings Constructed

No new buildings are proposed or required.

16. Building/Proportion of Buildings Used in the Operation

No buildings are proposed or necessary.

17. Outdoor Lighting or Sound Amplification

Outdoor lighting will illuminate the solar field access gates. All lighting will be downward hooded fixtures. The project will also utilize security cameras monitoring the facility 24/7.

18. Landscaping/Fencing

No landscaping is proposed for the project. The project will be fenced by 6-foot tall privacy fencing that will surround the solar field as depicted in the project rendering and site plan.

19. Other Information Providing Clear Understanding of the Project Operations

Surface Drainage and Runoff Control:

Site drainage will occur in accordance with Fresno County requirements and SPR No. 8246.

Provision Pest Management:

A local pest control and company will be retained to control pests. See Pest Management Plan for more details.

Employee Training:

Employee training logs will be kept corresponding to assigned equipment. Project management will train employees and conduct safety meetings for operation of the solar

field. Special emphasis will be placed on general safety, housekeeping, and emergency procedures.

Safety Equipment:

The project will comply with all applicable design, construction, operational and safety standards. Among other things, the Nation Fire Protection Association (NFP) and the National Electrical Code (NEC).

20. Owners, Officers and/or Board Members

H2B2 USA, LLC, sponsor of the Project, is 100% owned by H2B2 Electrolysis Technologies, Inc., a Delaware corporation. H2B2 USA, LLC is managed by CEO Pedro Pajares. There is no independent Board of Directors.

Emergency Contact List

The site will be continually manned. This facility's contact numbers will be provided to and updated annually to all other concerned agencies (i.e., Fresno County Environmental Health, fire departments, medical and Sheriff Department, etc.)

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**H2B2 – Solar Field
Reclamation Plan**

June 15, 2023

Applicant:

H2B2 USA, LLC
c/o Pedro Pajares, CEO
1060 Fulton St., Suite 301
Fresno, CA 93721

Record Owners:

Bar 20 No. 4, LP, a California Limited Partnership
250 E. Belmont Ave.
Fresno, CA 93701

APN:

015-100-20s, a portion thereof

Parcel Area:

40 +/- Ac., a portion of a 324.66 +/- Ac. site

Location:

24209 W. Whitesbridge Rd., Kerman, CA 93668

Introduction:

This document has been prepared for the review and approval of Fresno County Department of Public Works and Planning. The objective of this Reclamation Plan is to describe the reclamation activities associated with the H2B2 USA, LLC solar field project following cessation of the solar field operations or the abandonment of the solar field project. The facility is intended to operate for 35 years or more. The general decommissioning approach will be the same whether a portion of the solar field project or the entire solar field project is decommissioned.

Most parts of the proposed system are recyclable. PV modules typically consist of silicon, glass, and an aluminum frame. Tracking systems typically consist of steel and concrete footings, in addition to motors and control systems. All these materials will be recycled.

Numerous recyclers for the various materials to be used on the project site operate in Fresno and other nearby counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be

sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment will be managed as used oil, which is a hazardous waste in California. Decommissioning would comply with federal, state, county and other local standards and all regulations that exist when the project is shut down.

Present Use

The site has historically been used for farming agriculture (alfalfa and silage) and has been used for this purpose for the last 10 years. Currently, some portions of the proposed solar field area lie fallow while most of the area is used to grow livestock fodder such as alfalfa.

Any water needed will be supplied by two (2) existing wells on the westerly adjacent parcel (APN: 015-100-20s), owned by Bar 20 No. 4, LP. The water is regulated by the State Water Resources Control Board (SWRCB). Per the county’s Water and Natural Resources Division, the project is not located in an area defined by the county as being a water short area. Proposed water usage is expected to have a less than significant impact on water resources. Each well has a capacity of 750 GPM, totaling a capacity of 1500 GPM.

Historic Land Use

APN	Historical Ag Use (If none within past 10 years, specify what was last in ag use)	Crop Type (10 years)	Source of water for parcel (irrigation district, well(s), conjunctive system)	Well onsite?
015-100-20s	Farming (alfalfa & silage)	Alfalfa	Irrigation District	No (Well is located on westerly adjacent parcel)

Proposed Alternative Use

The applicant, H2B2 USA, LLC, is proposing to develop, own, and operate the proposed solar field in Fresno County. The project site is located 8.22 +/- miles west of the City of Kerman. The solar field will consist of ground mounted PV solar modules on 40 +/- acres, a portion of APN 015-100-20s, in the AE-20 Zone District. The solar energy produced from the photovoltaic (PV) solar modules will be used to power to the hydrogen facility, adjacent to the proposed solar field further reducing greenhouse gas emissions and not sold to the state power grid.

The hydrogen facility has been approved through Unclassified Conditional Use Permit (UCUP) No. 3691 and Site Plan Review (SPR) No. 8246. There are no proposed changes to previously approved UCUP No. 3691 and SPR No. 8246.

The project site is zoned AE-20 (Exclusive Agriculture 20-acre minimum parcel size). Within this zoning district, Fresno County permits utility-scale solar energy uses subject to approval of an Unclassified Conditional-Use Permit. The applicant selected the proposed project site based

on its proximity to the hydrogen facility in which the solar field will be supplying solar power. The project is designed in accordance with state and county regulations.

Key Components of the Project

Upon completion of construction, the proposed project will include the following key components:

- Solar field with arrays of PV solar modules
- Inverters
- Transformers
- Battery storage
- Switchgear and control system

Equipment vendors are under evaluation. However, all vendors are internationally recognized suppliers and leaders in their respective industry.

Duration of Alternative Use

The proposed solar field has a life expectancy of 35 years and is expected to be operational in 2023 and remain in operation through 2058. It is possible that life expectancy of the solar field could be extended through maintenance of existing equipment or with equipment replacement and could remain in operation beyond 2058.

Ownership of the Property

The land is owned by Bar 20 No. 4, LP. The leasing party for the proposed solar field will be H2B2 USA, LLC.

Equipment Dismantling and Removal

Reclamation Timeline

Pre-dismantling activities include de-energizing and isolating the solar field from external electrical lines and delineated staging areas. Depending on an array of variables, reclamation and equipment removal can take a year or more, interior site access roads, fencing, and electrical power may temporarily remain in place for use by the reclamation and restoration workers until no longer needed.

General Environmental Protection

Environmental protection and mitigation measures would be implemented during project's reclamation and restoration, similar to measures taken during construction and operations. Reclamation will attempt to maximize the recycling of all facility components. Specific opportunities for recycling (e.g., PV solar modules) are discussed below in the context of various site components. The individual project components to be reclaimed will be recycled

to the maximum extent practical. The general reclamation approach will be the same whether a portion or the entire solar field project site is reclaimed.

Management of Hazardous Waste and Excess Materials

Management of hazardous waste and excess materials will be removed and disposed of in accordance with local, state, and federal laws. As during project construction, compliance with applicable stormwater pollution prevention regulations will minimize accidental release of any incidental hazardous materials from either project components or equipment used during decommissioning.

Equipment Dismantling and Removal

Site Plan

A site plan showing the location of all equipment, structures, above and underground utilities, fencing, and buffer areas has been attached to this document (Attachment 1).

PV Module Collection and Recycling

The PV modules and rack supports will be removed in their entirety from the site using cranes, dump trucks, as well as flat-bed and rear-loader trucks. The support posts will be removed by excavators. Cranes may be required to remove equipment with concrete foundations. The demolition debris and removed equipment may be cut or dismantled into pieces which will be safely lifted or carried into off site on transport vehicles. Most of all of the materials will be processed for transportation to an offsite recycling center. All steel, copper, and aluminum will be recycled.

The PV modules will be de-energized and dismantled from the torque tubes. The modules will then be collected into trucks and will be redeployed into a secondary market, if possible. All salvageable material will be removed from the project site for resale or scrap.

PV modules will be packaged for transportation on used reusable pallets to minimize waste and cost, since those pallets can be rented at a much lower cost than wood pallets.

Electrical Equipment

Electrical equipment including inverters, transformers, cables, overhead lines, and substation infrastructure will be reclaimed in accordance with local, state, and federal laws and all required permits will be obtained, as needed.

All modules will be disconnected and removed from the trackers. The connecting underground cables and the junction boxes will be de-energized, disconnected, and removed. All racking systems, support structures, buildings and concrete will be completely removed by mechanical equipment. The office/electrical room building will be mechanically demolished. All demolition debris will be transported to an offsite disposal location identified at the time of decommissioning.

The inverters that convert direct current (DC) power to AC power and medium voltage transformers that increase the AC power voltage will also be dismantled and removed by cranes and flat-bed trucks. Oil from the substation transformer will be removed prior to transporting the transformer from the project site. The oil will be recycled at an appropriate recycling facility available at the time of decommissioning. The underground cable/collection lines will be cut off, removed, and recycled, as well as all AC and DC electrical wiring. All of the aforementioned will be transported to an offsite location identified at the time of decommissioning.

Roads, Parking Area, and Substation Yard

Any onsite utility roads will remain in place to accomplish reclamation. At the time of reclamation, if the landowner determines that some of the roads will be beneficial for future use of the site, those roads may remain after reclamation. Roads that will not be re-used will be restored to preconstruction conditions. If soils are significantly compacted, they will be restored using a disking method. The ground surface will be restored and revegetated to pre-construction conditions. Should areas need to be leveled, clean topsoil will be imported to the site by truck.

Other Components

Fencing will be removed during reclamation will be fencing. Chain link fencing and proposed gate surrounding the project site may be retained for safety and security purposes. Once other major reclamation activities are complete, the fencing will be removed and recycled.

Site Restoration

The goal of the solar field restoration is to return the land to a condition where the current practice of dryland farming is possible. Restoration of the proposed area will include back-filling of the foundation by conducting activities as follows: removal of underground electrical equipment, decompaction of subsoils, grading of surfaces, and left to pre-construction conditions. Photographs of the existing site are included as Attachment 2. The facility site will be left in a condition for active agricultural uses. Restoration will include the following actions:

- Project drainage features will be restored using suitable fill material.
- Roads, parking areas, and substation will be removed and restored to their pre-construction conditions and topography.
- Soils will be de-compacted using a disking method, as needed.
- As needed, topsoil will be used to restore suitable conditions for vegetation growth.
- The site will be reseeded with a seed mixture to produce alfalfa, the crop originally grown on the subject property. If site restoration through reseeding is not feasible due to lack of water/drought or other environmental factors, H2B2 USA, LLC will work with Fresno County to identify and implement an alternate solution.

- Cleaned from and clear of debris or recycled materials.
- Removal of all nonutility owned equipment, conduit, structures, and fencing.
- Restoration of property to condition prior to solar development.

Reclamation Cost Estimate

The estimated costs for reclamation of the project site are shown below. These costs are based on measures to dismantle the facility, dispose of solar field components, and make the project site suitable for agricultural use following cessation of operations or the abandonment of the proposed project. The labor rate estimated on the graph below will not be prevailing wages.

Reclamation Item	Cost	Labor				Equipment			
	Total	Employees	Hours (/employee)	Labor Rate	Subtotal	Type	Months	Rates	Subtotal
Electrical Conduit Removed	\$53,880	2	460	\$50	\$46,000	Flatbed truck	2	\$3,940	\$7,880
PV Modules Removed & Recycled	\$83,605	7	293	\$35	\$71,785	Flatbed truck	3	\$3,940	\$11,820
PV Modules Support H-Beams	\$77,675	5	293	\$35	\$51,275	Backhoe	3	\$8,800	\$26,400
Electrical & Electronic Devices	\$44,100	3	118	\$50	\$17,700	Backhoe/Crane	3	\$8,800	\$26,400
Fencing, Gate Removed	\$11,830	2	59	\$35	\$4,130	Backhoe	1	\$7,700	\$7,700
Roads, Pathways, & Other	\$11,830	2	59	\$35	\$4,130	CAT/Backhoe	1	\$7,700	\$7,700
Site Disced for Revegetation	\$16,208	4	59	\$35	\$8,260	CAT/Water truck	1	\$7,948	\$7,948
SUBTOTAL	\$299,128								
Fresno County Administration Cost	\$20,000								
SUBTOTAL	\$319,128								
+ 15% Contingency	\$47,869								
TOTAL	\$366,997				LABOR TOTAL			EQUIPMENT TOTAL	\$104,375
					\$206,380				

Notification to Owners of Record

Bar 20 No. 4, LP, has explicitly given permission for the submission of all documents pertaining to the Conditional Use Permit including this Reclamation Plan. A copy of this signed document has been attached to this Reclamation Plan (Attachment 3).

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DRAFT



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** H2B2 USA, LLC
- APPLICATION NOS.:** Initial Study No. 8210 and Unclassified Conditional Use Permit Application No. 3738
- DESCRIPTION:** Allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with S. James Road and is approximately 8.0 miles east of the City of Mendota and approximately 8.0 miles west of the City of Kerman (APN 015-100-20S) (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
- 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 located in an area mainly utilized for agricultural purposes. An existing dairy operation is located directly west of the project site with the majority of the remaining parcels utilized for agricultural cultivation or is vacant. Per Figure OS-2 of the Fresno County General Plan, the project site is not located on or near any scenic roadways. There are no scenic vistas being affected by the project proposal. There are no identified scenic resources on or near the project site.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project proposes to develop a portion of the existing 324-acre parcel with a photovoltaic solar energy generating facility consisting of an approximately 40-acres of solar panel arrays, to generate electricity to power an existing renewable hydrogen generation facility.

The construction of proposed solar array may result in a minor alteration the visual character of the localized vicinity; however, the project would not represent a substantial change. The proposed solar arrays will be located approximately 100 feet south of the nearest right-of-way of SR 180. Review of web based aerial images and street level views of the project site do not indicate any scenic views that would be substantially degraded by the project; additionally, the project site is not located along an identified scenic highway, or scenic drive as identified by Figure OS-2 (Scenic Roadways) of the County's General Plan therefore, the construction of the proposed improvements would have a less than significant impact on the existing visual character or quality of public views 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement and indicated on their site plan, outdoor security lighting is proposed and would create a new source of light and glare. A Mitigation Measure will be implemented with this project to ensure that all outdoor lighting is hooded and directed downward so as not to shine on adjacent properties or public right-of-way.

* **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 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 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to review of the 2016 Fresno County Important Farmland Map prepared by the California Department of Conservation, the subject parcel contains land designated as Farmland of Statewide Importance and Unique Farmland on its eastern half, and Confined Animal Agriculture on its western half. The project is proposed to be sited on the eastern portion of land designated Farmland of Statewide Importance and unique Farmland. Farmland of Statewide Importance is defined as farmland “similar to Prime Farmland but with minor shortcomings such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production as some time during the four years prior to the mapping date.” The project will convert Farmland of Statewide Importance to a non-agricultural production use. However, in considering the size of the project site relative to the size of the subject 324-acre parcel, the project site size would have a less than significant impact on the overall agricultural production use of the parcel. The project site is proposed to be approximately 40 acres and it has been determined that the conversion of approximately 40 acres of farmland compared to the overall 324-acre parcel would be a less than significant.

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

FINDING: NO IMPACT:

According to available property records, the subject parcel is not enrolled under Williamson Act Contract. Per the Fresno County Zoning Ordinance, the proposal is subject to an Unclassified Conditional Use Permit and can be considered on the subject parcel which is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and designated under the Fresno County General Plan as Agricultural.

- 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?

FINDING: NO IMPACT:

The project site is not located in forest land, timberland or timberland zoned Timberland Production and will not 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the conversion of approximately 40 acres of additional Farmland to non-agricultural use, of an existing 324-acre parcel, which contains a dairy. The land on which the project would be constructed is currently used for row crops for livestock feeding in conjunction with the existing dairy operation. According to the applicant's submitted reclamation plan, the project is intended to operate for a period of approximately 35 years, or more. Once the project is decommissioned, the land will be required to be returned to its original pre-project condition, as nearly as possible. The project will not result in the conversion of forest land to non-forest use.

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
- B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and determined that based on the information provided, project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District's significance thresholds. Therefore, based on this determination, the project would not conflict with or obstruct implementation of the applicable Air Quality Plan or result in a cumulatively considerable net increase of any criteria pollutants. The (SJVAPCD) also commented that construction-related emissions are expected to be less than significant, but suggests that construction-related exhaust emissions and activities utilize the cleanest reasonably available off-road construction fleets and practices to further reduce impacts from construction-related exhaust emissions and activities. An air quality and greenhouse gas assessment was prepared for the project by JK Consulting Group, date January 31, 2023. The Air Quality Assessment asserted that the construction of the project would generate short term emissions of criteria pollutants, such as reactive organic gases, oxides of nitrogen, and particulate matter PM 10 and PM 2.5, including Toxic Air Contaminants (TAC's) from diesel or Diesel Particulate Matter (DPM), but that such emissions would not exceed any of the San Joaquin Valley Air Pollution Control District's significance thresholds for those identified criterial pollutants. Long term (operational) impacts would be minimal due to the nature of the project. The project

entails the establishment of a photovoltaic solar array, to provide an additional power source to an existing hydrogen production facility located on the same site. One constructed the solar array will not generated any emissions, except for those associated with periodic maintenance trips for cleaning and repair, if needed. Therefore, the project would result in a less than significant impact on air quality.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves short term temporary construction activities, which will produce emissions of criteria pollutants, however, such emissions would not result in the generation of substantial pollutant concentrations, or generate odors which would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the California Natural Diversity Database (CNDDDB), BIOS mapper, accessed on February 13, 2023, the project site is within the predicted habitat of several special status species, including the Fresno Kangaroo Rat, Burrowing Owl, Western Spadefoot toad, San Joaquin Kit Fox, and Swainson's Hawk, and is also in located within the predicted habitat of the Tricolored Blackbird, which is a state listed species and is designated threatened. The San Joaquin Kit Fox and the Fresno Kangaroo Rat are both federally listed as endangered species and protected under the Endangered Species Act (ESA). The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) were notified of the project proposal. CDFW reviewed the proposal, and provided comments indicating that there were several special-status species which may potentially have habitat on the project site, and which species have been observed in the vicinity of the project site. Based on the information obtained from the CDFW maintained CNDDDB mapper, the project site could also potentially provide foraging habitat, and nesting habitat for the Tricolored Blackbird.

The subject parcel has historically been utilized for agricultural production, with a portion of the property dedicated to dairy farming and a portion to row crop production for animal feed.

A Biological Resource Assessment was prepared for the project by Argonaut Ecological Consulting, dated March 9, 2023. The Biological Resource Assessment concluded that the project study area which includes the area around the project site on the subject parcel and portions of two parcels northerly adjacent across State Route 180. The Biological Resource Assessment concluded that due to the subject parcels' historic agricultural use, its value as wildlife habitat is limited, and that the visible features of the land observed during field review appear only to offer very limited habitat for special status species, such as trees and in ground burrows. Additionally, the assessment found no wetland features on the project site, however one isolated emergent freshwater pond was found approximately one half-mile north on an adjacent parcel. The assessment stated that agricultural lands do not generally support special status species habitat for breeding or nesting, however the study area could provide some foraging habitat for Swainson's hawk and other raptors, as well as ground burrows which could be utilized by Burrowing owl, and there is potential foraging area for San Joaquin kit fox although no suitable den area was identified.

Because there is potential for migratory bird habitat and/or foraging area, as well as for other mammals like the Fresno Kangaroo Rat and San Joaquin Kit Fox and amphibians such as Western Spadefoot toad on the project site, there is also the potential for habitat modification from project related ground disturbance. Accordingly, the following mitigation measures have been included as project conditions of approval. Compliance with the required conditions would reduce project impacts to biological resources to a less than significant level.

* **Mitigation Measure(s)**

1. *If construction activities are to occur during the normal bird breeding season (March 1-September 15), not more than ten (10) days prior to project construction activities, a qualified biologist shall conduct surveys for active Swainson's Hawk nests, and if active nests are found, a minimum ½ mile no-disturbance buffer shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Surveys shall follow the methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). In event an active SWHA nest is detected during surveys and the ½ mile is not feasible, the project proponent shall consult with CDFW to discuss how project implementation can avoid take. If take cannot be avoided, take authorization through issuance of an ITP shall be acquired.*
2. *Prior to any project related ground disturbance, a qualified biologist shall conduct surveys for potentially suitable habitat for Fresno Kangaroo Rat. If suitable habitat is present on the project site, focused protocol level trapping surveys shall be conducted by a qualified wildlife biologist, with appropriate permissions from both CDFW and U.S. Fish and Wildlife Service.*

3. *Prior to any project related ground disturbance, a qualified biologist shall conduct surveys to determine if there is the presence of potentially suitable habitat on the project site and its immediate vicinity for San Joaquin Kit Fox (SJKF), between 14 and 30 days prior to beginning any project related ground disturbance. If SJKF are detected, consultation with CDFW shall be initiated by the project proponent immediately, to discuss options for take avoidance, or if avoidance is not feasible, to discuss options for obtaining an incidental take permit (ITP).*
 4. *Prior to project related ground disturbance, surveys shall be conducted for potential habitat and/or the presence of Burrowing Owl (BUOW) by a qualified biologist following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines", (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2021). Surveys shall be conducted during daylight hours, during the breeding season (April 15 to July 15).*
 5. *If during project construction or ground disturbing activity, Western Spadefoot toad is observed, the project activity shall be halted in the vicinity of the species observance and a 50-foot no disturbance buffer shall be established. Additionally, the observed Spadefoot toad individual(s) shall be allowed to leave the project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization from the California Department of Fish and Wildlife may move the individual Spadefoot toad(s) to a suitable location, out of harms way.*
- 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
- 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?

FINDING: NO IMPACT:

According to the National Wetlands Inventory, Wetlands Mapper, maintained by the U.S. Fish and Wildlife Service, there are no wetlands on the project site. Additionally, there is no riparian habitat or other sensitive natural community on the project site. Therefore, the project will not have an adverse effect on riparian habitat or other sensitive natural community or on state or federally protected wetlands.

- 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?

FINDING: NO IMPACT:

No established native resident, migratory wildlife corridor or native wildlife nursery site was identified on the project site. The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) were provided opportunities to

comment on the project proposal and identify potential adverse effects of the project on native residents or wildlife species.

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

Reviewing agencies and departments did not indicate that the project would result in conflict with local, regional, or state policies or ordinances for protection biological resources or an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

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:

During the evaluation of the previously approved hydrogen project; the Santa Rosa Rancheria Tachi-Yokut Tribe responded with a request for consultation under the provisions of Assembly Bill 52 (AB 52). A Cultural Study was produced for the project proposal and submitted to the Santa Rosa Rancheria Tachi-Yokut Tribe for review. No additional comments, concerns, or mitigation measures were received by staff from the consulting tribal government. Consultation with the Santa Rosa Rancheria Tachi-Yokut Tribe was concluded with no identification of a historical, cultural, or archaeological resource. Aerial photographs and field survey of the project site indicate that the site has been previously disturbed as a result of grading activities and agricultural use. A Mitigation Measure address cultural resources was included in the unlikely event that cultural resources were unearthed during ground-disturbing activities related to project construction and operation.

During review of the current application, no historical or cultural resources were identified. However, the same cultural resources mitigation measure will be included to address the possibility of previously unknown cultural or historical resources being discovered during ground disturbing activities.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

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

FINDING: NO IMPACT:

According to the Applicant's Operational Statement, the project proposes to utilize energy produced from the proposed solar array to provide electrical power to the existing hydrogen generating facility. Currently the hydrogen facility is powered by electricity supplied by a biogas burning generator and from the PG&E grid. Considering the existing renewable energy source being utilized to power the proposed facility and the relatively limited scope of the project, no potentially significant environmental impact is likely to occur from the consumption of energy resources for project operation. Additionally, the project will not conflict with or obstruct state or local plans for renewable energy or energy efficiency.

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 Earthquake Zone Hazard Application and Figure 9-2 and -3 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near a rupture of a known earthquake fault.

2. Strong seismic ground shaking?

3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site, according to Figure 9-5 of the FCGPBR, the project site is located in or near land designated for probabilistic seismic hazard with a 10% probability in 50 years and a peak horizontal ground acceleration 0-20% and 20-40%. Associated development will be built to current building code standards, which will take into account safe building practices to reduce effects from seismic ground shaking and seismic-related ground failure. Per Figure 9-6 of the FCGPBR, the project site is not located on land designated for areas of subsidence.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located in identified landslide hazard areas. Additionally, the project site and surrounding area is located on flat land utilized for agriculture. There are no large changes in elevation to indicate an increased risk to landslide.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the development of structures and placement of equipment on the site that will result in the loss of topsoil and increase in impervious surface. The project site is located on flat land and would not result in substantial soil erosion that would increase risk to the project site. The loss of topsoil will not result in increase hazard to the project site and has been determined to have a less than significant impact.

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?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the subject property.

- 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 (FCGPBR), the subject site is not located on area identified with expansive soils.

- D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that soils on the property would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. There was no paleontological resource or unique geologic feature 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
- 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:

According to the Applicant's Operational Statement, the proposed solar energy production facility and battery energy storage facility will power the existing hydrogen generating facility. The proposed solar array once constructed would not generate a substantial quantity of greenhouse gas emissions.

Generation of greenhouse gas emissions related to the construction of the solar facility, will be the primary source of new greenhouse gas emissions. The San Joaquin Valley Air Pollution Control District did not express concern to indicate that there is a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. An air quality and greenhouse gas assessment was prepared for the project by JK Consulting Group, date January 31, 2023, revised February 10, 2023. The Air Quality and Greenhouse Gas analysis concluded that, construction related GHG emissions when amortized over a 30-year anticipated project lifetime, would amount to approximately 19.16 metric tons of CO2 equivalent per year,

and that operational GHG emissions would total approximately 4.63 metric tons of CO₂e per year, for a combine total of approximately 23.79 metric tons of CO₂e per year.

Because the San Joaquin Valley Air Pollution Control District does not have adopted GHG emissions thresholds of significance, the Air Quality and Greenhouse Gas analysis, included discussion of the South Coast Air Quality Management District's (SCAQMD) adopted, interim GHG significance threshold for projects where SCAQMD is the lead agency, of 10,000 Metric tons of CO₂e per year for construction emissions amortized over a 30-year project lifetime. In comparison, the proposed project would be well below this threshold, however, because there is not an adopted threshold for the County, the project GHG emissions must be evaluated as they relate to the regulatory framework, and consistency with adopted GHG reduction goals, climate change action plans, and other applicable GHG reduction strategies. In the case of this project, the Air Quality and Greenhouse Gas Analysis concluded that the project's GHG emissions would be substantially below the quantitative GHG thresholds established by several other air quality management districts, and given the relatively limited size of the project and duration of construction, from which most of the project's GHG emissions would be generated, the project would have a less than significant impact on GHG emissions. Furthermore, the project was determined to be consistent with the state's adopted GHG reduction goals, and Climate Change Action Plan, AB 32 and SB 32, because the project, once operational, would reduce the overall consumption of fossil fuels used in electricity production. The Air Quality and Greenhouse Gas Analysis estimated that the solar project would have the capacity to generate up to 32,850,000 kilowatts of electricity annually, which would equate to approximately 23,280 metric tons of CO₂ equivalent, and would over the projected 35-year lifetime of the project reduce overall cumulative GHG emissions by approximately 819,000 metric tons of CO₂ equivalent. Based on these factors, the project would have a less than significant impact on cumulative greenhouse gas emissions.

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 subject application and provided information regarding state and local requirements for reporting, handling, and permitting hazardous materials proposed to be used and/or stored on the subject site. These requirements will be listed as Project Notes with the application as they are state and local regulatory responsibilities that must be met.

- 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:

The subject parcel is not located within a one-quarter mile of an existing or proposed school. The nearest school to the site is Liberty Elementary located in the City of Kerman, approximately 7.9 miles to the east.

- 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:

Per the NEPAssist database, there are no listed hazardous material sites located on the project 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?

FINDING: NO IMPACT:

The subject site is not located within two miles of a public airport or public use airport. The closest public Airport is the William Robert Johnson Municipal Airport, located approximately 7.4 miles west-northwest within the City of Mendota.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern to indicate that the project would result in impairing implementation or physically interfering with an adopted emergency response plan or emergency evacuation plan. According to the 2007 Fresno County Fire Hazard Map prepared by the California Department of Forestry and Fire Protection, the project site is not subject to an increased potential for fire hazard.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project to indicate that the proposal will result in the violation of a water quality standard, waste discharge requirement, or substantially interfere with groundwater recharge. The project proposes to receive water from an existing well on the westerly adjacent parcel and is regulated by the State Water Resources Control Board (SWRCB). Per the Water and Natural Resources Division, the project site is not located in an area of the County defined as being a water short area and proposed water usage from the proposal is expected to have a less than significant impact on water resources. The project's submitted operational statement indicates that the proposed solar field would utilize the equivalent of approximately 14-16 gallons per day for panel washing, which will occur every two to three weeks. Water supply for the project will be provided by two existing well on the westerly adjacent parcel (APN 015-100-20S)

- 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?
 1. Result in substantial erosion or siltation on- or off-site;
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

FINDING: NO IMPACT:

The project will result in the addition of impervious surface on land previously used for agricultural purposes. The surrounding area and project site are located on flat land and would not result in substantial erosion or siltation on- or off-site. With the addition of impervious surface to the site, there is potential for surface runoff, but is not expected to result in flooding that would have an adverse effect. No impact is seen resulting from the project proposal.

- 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?

FINDING: NO IMPACT:

There are no planned stormwater drainage systems in vicinity of the project site. The project is expected to meet County standards for stormwater runoff which requires all stormwater runoff to not cross property lines and be kept on the subject site.

4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per FEMA FIRM Panel C2050H, the project site is located within Special Flood Hazard Area Zone A. Review of the proposal by the Development Engineering Section indicates that special development standards will be applicable to the project which includes federal, state and local requirements for development in a special flood hazard area. These will be included as Conditions of Approval or Project Notes to ensure proper procedure is implemented with the project to ensure a less than significant impact on the flood zone.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As stated, per FEMA FIRM Panel C2050H, the project site is located within Special Flood Hazard Area Zone A. The project will be required via Conditions of Approval or Projects Notes to ensure special development standards for construction within an identified flood zone be implemented. With implementation of special development standards, the risk of release of pollutants due to project inundation will be less than significant.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is located in an agricultural area with no established community in the vicinity, the scope of the project is limited to a forty-acre portion of the subject parcel. The project will not 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: NO IMPACT:

Review of relevant Fresno County General Plan policies indicate that there is no conflict with the subject proposal and the policies of the General Plan.

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:

According to Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR), the subject site is not located on or near identified mineral resource locations or principal mineral producing locations. Therefore, the project will not result in the loss of availability of a known mineral resource or mineral resource recovery site.

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 in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division (EHD) has reviewed the project proposal. The EHD did not express concern with the application to indicate that the project proposal would generate excessive ground-borne vibration or noise levels. The project is required to comply with the applicable provisions of the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance. The nearest sensitive receptor to the project site is a single-family dwelling located approximately 1,183 feet east of the site, on an adjacent parcel. Once the project has been constructed, there will be no noise generating activities, other than those associated with the existing dairy operation. The proposed use is not expected to have an adverse effect on sensitive receptors.

- 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 residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located in vicinity of a private airstrip or airport land use plan nor is it located within two miles of a public airport or public use airport.

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

FINDING: NO IMPACT:

The subject property is not improved with residential development and the surrounding area is utilized for agricultural purposes. The project will not displace substantial numbers of existing people or housing. The project will not induce unplanned population growth in the area.

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, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the subject application and did not express concern with the project proposal to indicate the provision of new or physically-altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project will result in adverse impacts on the listed public services where a need for the provision of new or physically-altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives is required.

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: NO IMPACT:

There are no existing neighborhood or regional parks or other recreational facilities in the vicinity of the project. The project will not have a substantial impact on the population in the area that would increase the use of existing neighborhood and regional parks or other 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?

FINDING: NO IMPACT:

The subject parcel has frontage along State Route 180 (W. Whitesbridge Avenue). State Route 180 is not a County-maintained road with the County Road Maintenance and Operations Division and the Design Division not having any comments for the proposed use or traffic generation. Review of the proposal indicates that the proposed use will receive access off State Route 180 from an existing access point on the westerly adjacent parcel. This access road is located on the westerly adjacent parcel and is under common ownership with the subject site. The California Department of Transportation (Caltrans) was included on project routing with no concerns received. Therefore, it is determined that the project does not conflict with a program, plan, ordinance or policy addressing the circulation system.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed solar facility will be operated by up to three existing hydrogen facility employees, accordingly no additional trips will be generated by the proposed solar facility, once construction is complete. Based on the low trip generation from the project proposal, the vehicle miles traveled impact from the project will be less than significant.

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

FINDING: NO IMPACT:

Main access to the project site will occur off an existing access-point from State Route 180. The number of trips generated is not expected to have an adverse effect on existing traffic conditions of the roadway. The accessway is paved and traffic will travel approximately 500 feet south, away from the public right-of-way therefore traffic buildup is not likely to occur. Therefore, the project will not substantially increase hazards due to design features. Reviewing agencies and departments did not express concern to indicate that the project will result in inadequate emergency access.

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:

Per Assembly Bill 52 (AB 52) participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on the project proposal. The Santa Rosa Rancheria Tachi-Yokut Tribe requested consultation and a Cultural Study was prepared by the Applicant's and routed to the consulting tribal government for review and comment. The prepared Cultural Study dated January 21, 2021,

by LSA concluded that based on the background search and field survey, no archeological deposits or human remains were identified on the project site. The field survey indicates that project site as being previously disturbed by road grading and agricultural use. A Mitigation Measure shall be implemented to ensure that in the unlikely event that tribal cultural resources are discovered during ground-disturbing activities, the resource is properly addressed.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources Mitigation Measure #1.

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?

FINDING: NO IMPACT:

According to the Applicant's Operational Statement, the existing hydrogen production facility proposes to supply a majority of its electrical power requirements from an existing anaerobic digester facility located on the westerly adjacent parcel. The proposed solar energy generating facility will be improved with specialized equipment to generate and transmit electrical power the approved hydrogen production facility.

Additional connection with PG&E facilities will occur to ensure that there is an uninterrupted supply of energy in case the digester facility is offline. As the digester facility is existing, the project will not require or result in the relocation or construction of new or expanded electric power facilities. The project will not require new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunication facilities which would cause significant effects.

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

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division did not provide concerns to indicate that there are insufficient water supplies for the project.

- 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:

Per the Applicant's Operational Statement, any proposed septic system or wastewater treatment system must be permitted in accordance with applicable Fresno County Local Area Management Program (LAMP) requirements. The Applicant will be required to meet County permitting standards for the subject building and associated wastewater treatment system. Review of the proposal did not indicate a conflict with County standards for this system, but further review of the proposed system will be conducted if this project is approved.

- D. Generate solid waste in excess of State or local standards, or in excess of 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: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project would generate solid waste in excess of State or local standards. There are no aspects of the project to suggest that the project would not be in compliance with federal, state, and local management and reduction statutes and regulations for solid waste.

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, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located within a State Responsibility Area (SRA). According to the 2007 Fresno County Fire Hazard Severity Map in LRA prepared by the California Department of Forestry and Fire Protection, the subject site is not located in land classified as a very high fire hazard severity zone.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will convert an approximately 40-acre portion of the 324-acre parcel from agricultural use to the proposed solar energy generating facility. That conversion has been determined to have a less than significant impact on habitat conversion as the majority of the parcel will still be agricultural production and not adversely effect wildlife species or cause wildlife populations to drop below self-sustaining levels.

- 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

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

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effect on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3738, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant.

Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of included 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, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

JS

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EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8210	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Project Applicant/Sponsor (Name): H2B2 USA, LLC	Project Title: Unclassified Conditional Use Permit Application No. 3738 and Initial Study No. 8210		
Project Description: Amend CUP 3691 to allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of included Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 19, 2023		Review Date Deadline: Planning Commission – June 8, 2023	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**