



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 December 14, 2023

**SUBJECT:** **Unclassified Conditional Use Permit Application No. 3775**

**Amend Unclassified Conditional Use Permit Nos. 3691 and 3760 to allow the installation and operation of two hydrogen fuel dispensers in conjunction with an approved hydrogen production facility, on an approximately 1.25-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 nearest intersection with South James road and approximately 7.4 miles east of the nearest city limits of the City of Mendota (APN: 015-100-20S) (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:**

- **Approve Unclassified Conditional Use Permit Application No. 3775, amending Unclassified CUP Nos. 3691 and 3760 with recommended Findings and Conditions; and**
- **Direct the Secretary to prepare a resolution documenting the Commission's action.**

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plan, Elevation and Floor Plan
6. Operational Statement
7. Planning Commission Staff Report (without exhibits) and Resolution for CUP No. 3691
8. Planning Commission Staff Report (without exhibits) and Resolution for CUP No. 3760
9. Summary of Initial Study No. 7943 and Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	Approximately 324.66 acres	No change
Project Site	Approximately 1.25 acres.	No change
Structural Improvements	Single Family Dwelling/Dairy operation related structures.	Approved Hydrogen Generation Facility. Two new hydrogen fuel dispensers
Nearest Residence	Approximately 4,910 feet.	No change
Surrounding Development	Dairy, Agriculture, and Minimal Single-Family Residential.	No change
Operational Features	Dairy; Approved hydrogen generation facility powered by digester facility on westerly adjacent dairy. Hydrogen plant will operate 24 hours a day, 7 days a week and will have three employees; and produce an estimated 3,000 kilograms per day.	Installation and operation of up to two new hydrogen fuel dispensers.
Employees	Three employees to operate the plant, each serving one eight-hour shift.	No change
Customers	N/A	No customers

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Traffic Trips	Three employee trips and up to two delivery trucks per day.	5-7 vehicle trips per day to the site for use of the hydrogen fuel dispensers.
Lighting	Outdoor lighting	No change
Hours of Operation	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).	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:**

A Mitigated Negative Declaration (MND) was prepared for Initial Study No. 7943 and adopted by the Fresno County Planning Commission on April 20, 2021, along with the approval of Unclassified Conditional Use Permit No. 3691. Unclassified Conditional Use Permit No. 3760 was approved by the Planning Commission on June 8, 2023. It was determined that the Initial Study No. 7943 adequately evaluated the potential impacts of CUP No. 3760 therefore no additional Initial Study was prepared. This application seeks to amend Unclassified Conditional Use Permit Nos. 3691 and 3760 to allow the installation and operation of two new hydrogen fuel dispensers with the capacity to dispense approximately 1,200 kg per day. The Mitigation Measures adopted for Initial Study No. 7943 still apply to each of the approved CUPs as applicable. This project and the previously approved CUPs are related to CUP No. 3738 which was approved to allow the installation and operation of an approximately 40-acre solar energy generating facility, to provide electrical power to the existing hydrogen production facility.

This application relies on the previously adopted Mitigated Negative Declaration adopted for Initial Study No. 7943, as the proposed project does not have the potential for new significant environmental impacts. This is allowed under Section 15162(a) of the CEQA Guidelines, which provides that “When an EIR or negative declaration (MND) is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration, due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative-declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed on the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

The current proposal, Unclassified Conditional Use Permit Application No. 3775, was routed to those agencies and County Departments that previously commented on the Initial Study prepared for Unclassified CUP No. 3691. No specific concerns were noted. The project site and scope are substantially the same and there have not been any changes to the previous conditions on the site and no new information has been provided that would indicate the potential for previously unidentified impacts. Therefore it has been determined that no subsequent Mitigated Negative Declaration is necessary for this project, as per Section 15162 of the California Environmental Quality Act (CEQA). A summary of Initial Study No. 7943 is included as Exhibit 9.

**PUBLIC NOTICE:**

Notices were sent to the property owners of the 9 parcels that are within one half mile of the subject parcel, in addition to all parties requesting notices, which exceeds the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

None

**PROCEDURAL CONSIDERATIONS:**

A 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 a Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The existing hydrogen generation facility was approved by CUP 3691 to allow production of up to 2,000 kg of hydrogen daily; and CUP 3760 authorized an increase of 1,000 kilograms of hydrogen production per day for a total of 3,000 kg of hydrogen produced daily. A related CUP No. 3738 was approved in June 2023 to allow the installation of an approximately 40-acre solar energy generating facility, with battery storage to supply electricity to the hydrogen generating facility for the electrolysis used in the production of hydrogen. The current application, CUP 3775, proposes to install and operate two new hydrogen fuel dispensers to serve hydrogen

vehicles operating in the surrounding communities.

The existing hydrogen facility also has the ability to receive electrical power generated by a biogas powered engine, which is supplied biogas by an anaerobic digester located on the westerly adjacent parcel. The westerly adjacent parcel is currently improved with a dairy and approved anaerobic digester facility under Unclassified Conditional Use Permit No. 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.**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
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 Section of the Department of Public Works and Planning: 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 improvements will be located outside established setbacks. Development of the project will be expected to follow and 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. No concerns were expressed by reviewing agencies and departments as to the adequacy of the subject parcel.

**Recommended Conditions of Approval:**

See recommended Conditions of Approval attached as Exhibit 1.

**Finding 1 Conclusion:**

Finding 1 can be made, as the subject parcel is adequate in size and shape to accommodate the proposed use.

**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.	Amended operation will utilize existing driveway as approved.
Road ADT		7,400 (Annual) Average trips per day.	No change
Road Classification		State Route	No change
Road Width		Approximately 60 feet of paved width.	No change
Road Surface		Paved Asphalt	No change
Traffic Trips		6 round trips (12 one-way trips) based on three (3) employees; and up to three(3) trucks to export hydrogen.	Up to five additional trucks to export hydrogen.

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	No	No	Preparation of a traffic study was no required for this project.
Road Improvements Required		No	No requirement for road improvement.

**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 the Department of Public Works and Planning: 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.

**Finding 2 Analysis:**

According to the Applicant’s operational statement, the project proposes to have a total of three employees to operate the hydrogen plant, and there would be up to eight daily tube trailer trucks picking up the hydrogen for offsite delivery. The subject parcel has road frontage along State Route 180 (W. Whitesbridge Avenue) and is maintained by the California Department of Transportation (Caltrans). Caltrans commented on the previously approved project indicating that site access should be taken through the existing driveway and not by any new point of access. There are no County facilities being directly affected by the project, and based on comments received from Caltrans, State Route 180 is adequate in width and pavement type to serve the proposed use.

**Recommended Conditions of Approval:**

None

**Finding 2 Conclusion:**

Finding 2 can be made, as the proposed application does not substantially increase traffic on surrounding roadways.

**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		

	Size:	Use:	Zoning:	Nearest Residence:
West	324.66 acres	Dairy	AE-20	N/A

**Reviewing Agency/Department Comments:**

Department of Public Health, Environmental Health Division: 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.

Department of Public Works and Planning Water and Natural Resources Division: After review of the proposal, the Division has determined that the proposed amended project will have less than significant impact on existing groundwater levels. The additional water use is minimal, and a portion of the water will be used for crop irrigation. Additionally, the subject parcel is not located within an area of the County identified as water short.

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.

Fresno County Fire Protection District: 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 will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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

**Finding 3 Analysis:**

Comments from reviewing Agencies and Departments, did not identify any potentially adverse effects from the installation and operation of new hydrogen fuel dispensers, or increase in the truck trips exporting the produced hydrogen.

**Recommended Conditions of Approval:**

None

**Finding 3 Conclusion:**

Finding 3 can be made as there have been no adverse effects identified.



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

**Reviewing Agency Comments:**

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

The above comments provided by reviewing Agencies and Departments are to be included as project notes unless otherwise stated. No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

As indicated by the review conducted by the Policy Planning Section of the Fresno County Department of Public Works and Planning, there are no relevant General Plan policies that would be impacted by the project proposal.

**Recommended Conditions of Approval:**

None

**Finding 4 Conclusion:**

Finding 4 can be made as the project does not conflict with the General Plan.

**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 conditions of approval were developed based on 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.

**Finding 5 Conclusion:**

Finding 5 can be made as the recommended conditions are necessary for the protection of public health, safety and general welfare.

**SUMMARY CONCLUSION:**

The installation and operation of the hydrogen fuel dispensers, associate traffic trips (5-7) vehicles per day, does not represent an appreciable change in operation and will have little if any additional effect on the area, staff has determined that the required Findings for granting the Unclassified Conditional Use Permit Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3775, amending Unclassified Conditional Use Permit No. 3691 and Unclassified Conditional Use Permit No. 3760 subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- 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. 3775 amending Unclassified CUP No. 3691 and Unclassified CUP No. 3760 subject to the 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. 3775; 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.

JS:jp

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EXHIBIT 1

**Unclassified Conditional Use Permit Application No. 3775  
(Including Conditions of Approval and Project Notes)**

<b>Conditions of Approval</b>	
1.	The project shall comply with all Mitigation Measures, Conditions of Approval, and Project Notes for Unclassified Conditional Use Permit No. 3691, and Unclassified Conditional Use Permit No. 3760.
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Detail Drawings and Operational Statement.

\*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.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>The Fresno County Fire Protection District provided the following comments:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Project/Development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Development including Single-Family Residential (SFR) properties of three or more housing units, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property.</li> <li>• 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.</li> </ul>



EXHIBIT 2

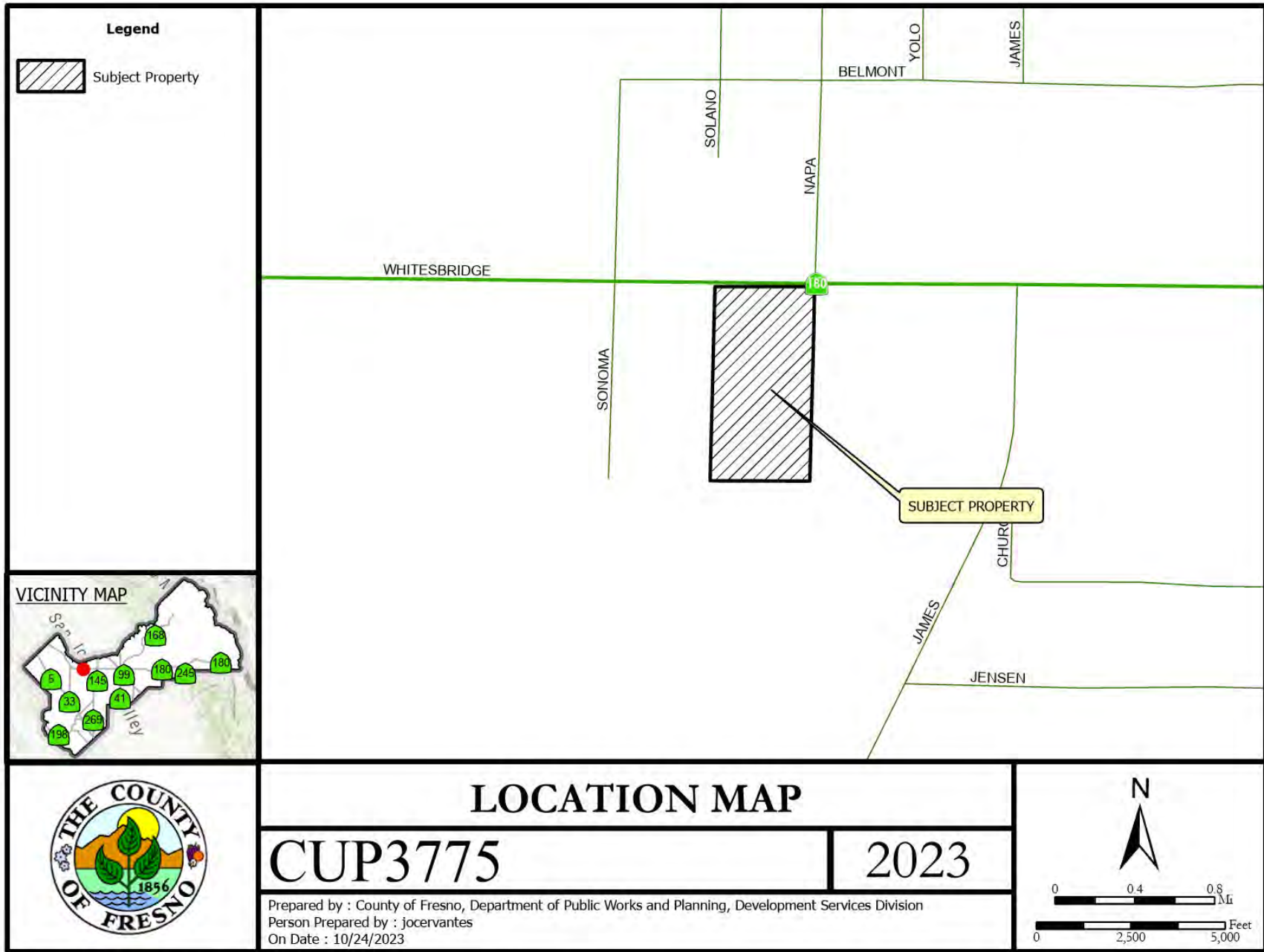
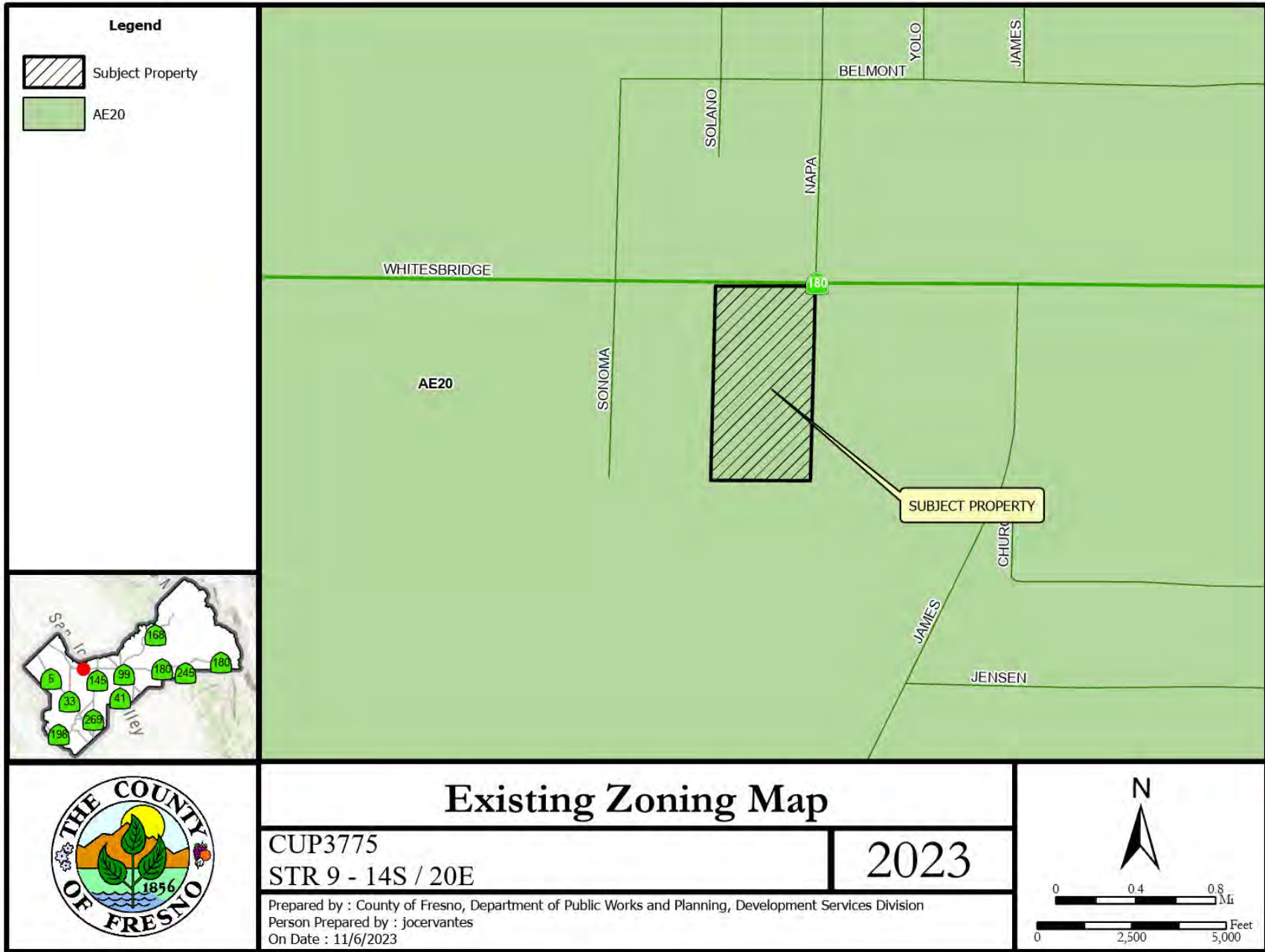


EXHIBIT 2



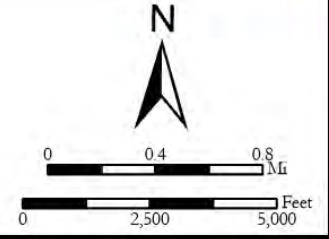


**Existing Zoning Map**

**CUP3775**  
**STR 9 - 14S / 20E**

**2023**



Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : jocervantes  
 On Date : 11/6/2023







**LEGEND:**

-  Subject Property
-  Ag Contract Land

LEGEND
DAIRY
FC - FIELD CROP
I - INDUSTRIAL
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

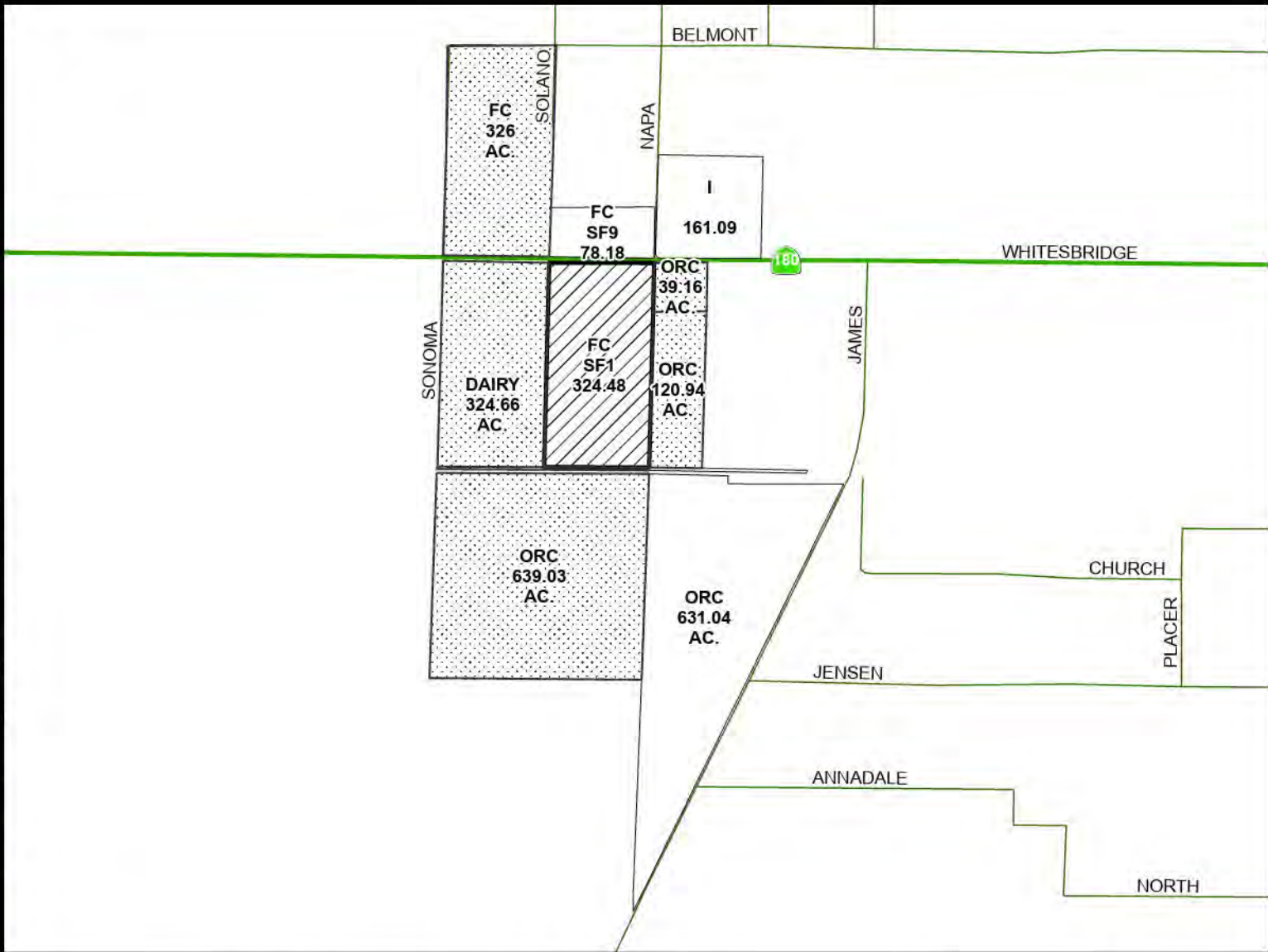
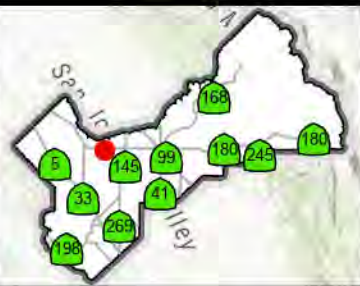


EXHIBIT 4



# Existing Land Use Map

## CUP3775 | 2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : jocervantes  
 On Date : 11/6/2023

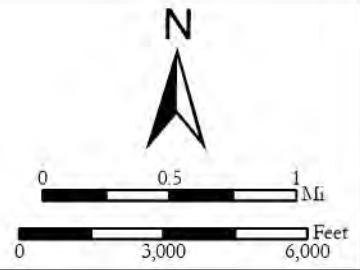
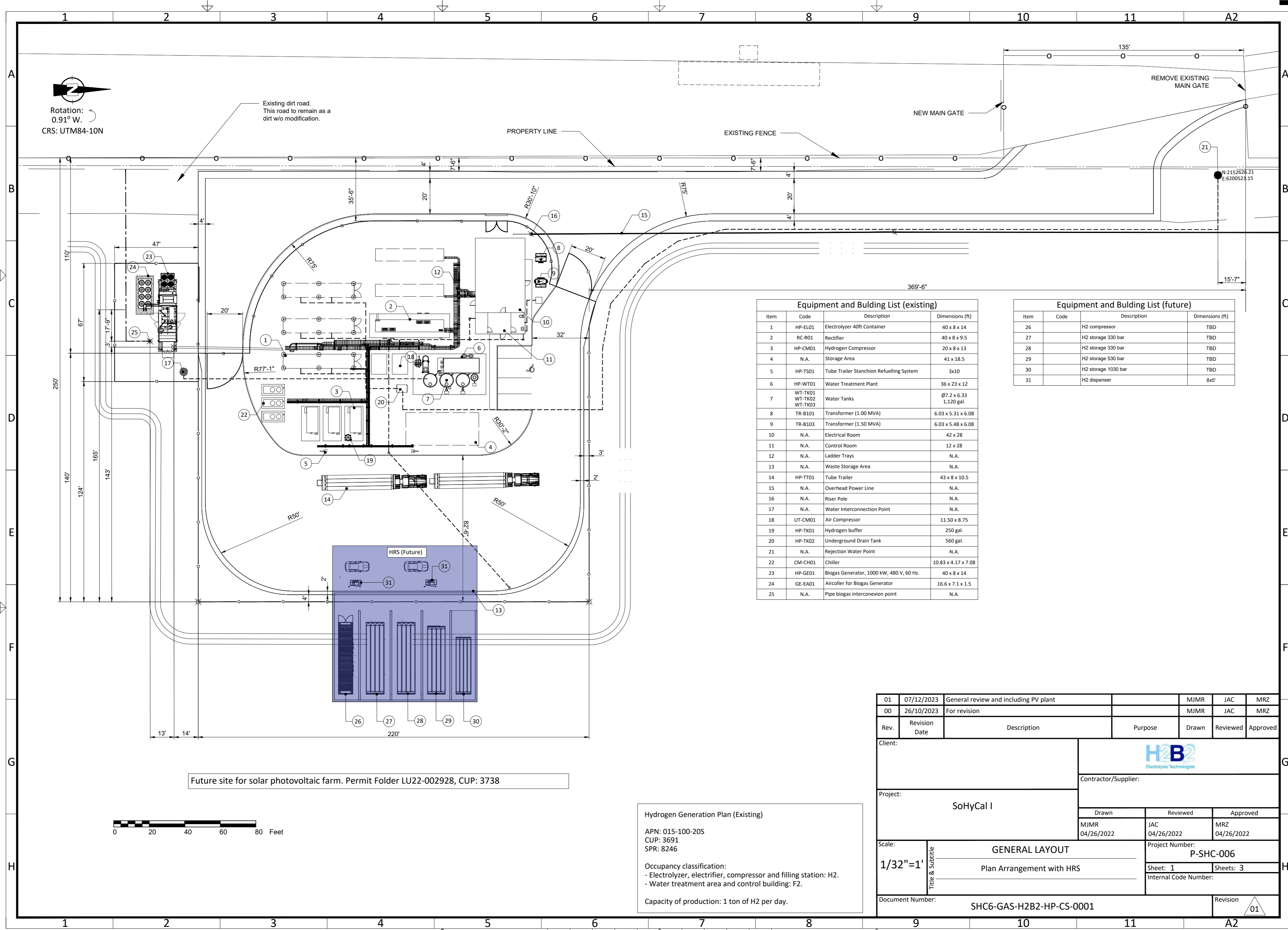




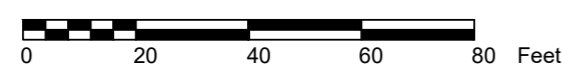
EXHIBIT 5



Equipment and Bulding List (existing)			
Item	Code	Description	Dimensions (ft)
1	HP-ELD1	Electrolyzer 40ft Container	40 x 8 x 14
2	RC-R01	Rectifier	40 x 8 x 9.5
3	HP-CM01	Hydrogen Compressor	20 x 8 x 13
4	N.A.	Storage Area	41 x 18.5
5	HP-TS01	Tube Trailer Stanchion Refuelling System	3x10
6	HP-WT01	Water Treatment Plant	36 x 23 x 12
7	WT-TK01 WT-TK02 WT-TK03	Water Tanks	Ø7.2 x 6.33 1,120 gal.
8	TR-B101	Transformer (1.00 MVA)	6.03 x 5.31 x 6.08
9	TR-B103	Transformer (1.50 MVA)	6.03 x 5.48 x 6.08
10	N.A.	Electrical Room	42 x 28
11	N.A.	Control Room	12 x 28
12	N.A.	Ladder Trays	N.A.
13	N.A.	Waste Storage Area	N.A.
14	HP-TT01	Tube Trailer	43 x 8 x 10.5
15	N.A.	Overhead Power Line	N.A.
16	N.A.	Riser Pole	N.A.
17	N.A.	Water Interconnection Point	N.A.
18	UT-CM01	Air Compressor	11.50 x 8.75
19	HP-TK01	Hydrogen buffer	250 gal.
20	HP-TK02	Underground Drain Tank	560 gal.
21	N.A.	Rejection Water Point	N.A.
22	CM-CH01	Chiller	10.83 x 4.17 x 7.08
23	HP-GE01	Biogas Generator, 1000 kW, 480 V, 60 Hz.	40 x 8 x 14
24	GE-EA01	Aircoller for Biogas Generator	16.6 x 7.1 x 1.5
25	N.A.	Pipe biogas interconexion point	N.A.

Equipment and Bulding List (future)			
Item	Code	Description	Dimensions (ft)
26		H2 compressor	TBD
27		H2 storage 330 bar	TBD
28		H2 storage 330 bar	TBD
29		H2 storage 530 bar	TBD
30		H2 storage 1030 bar	TBD
31		H2 dispenser	8x5'

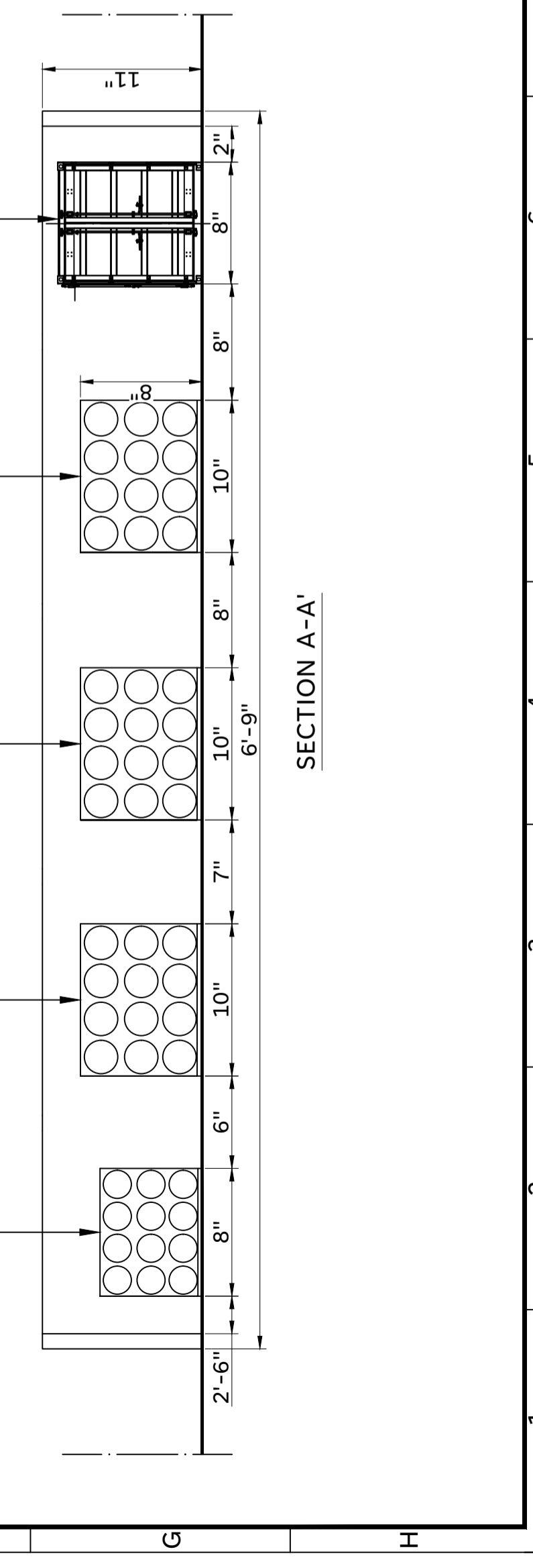
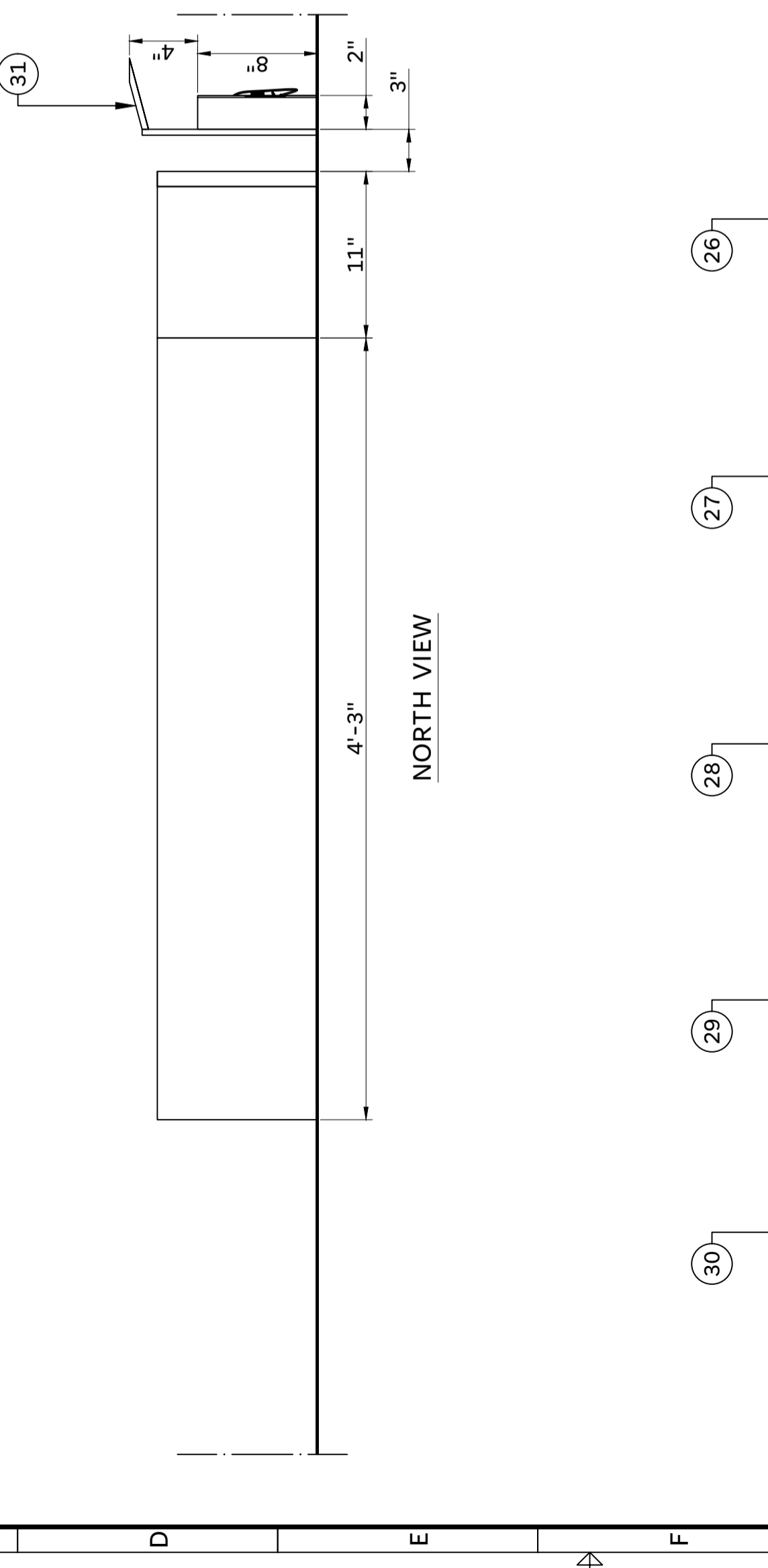
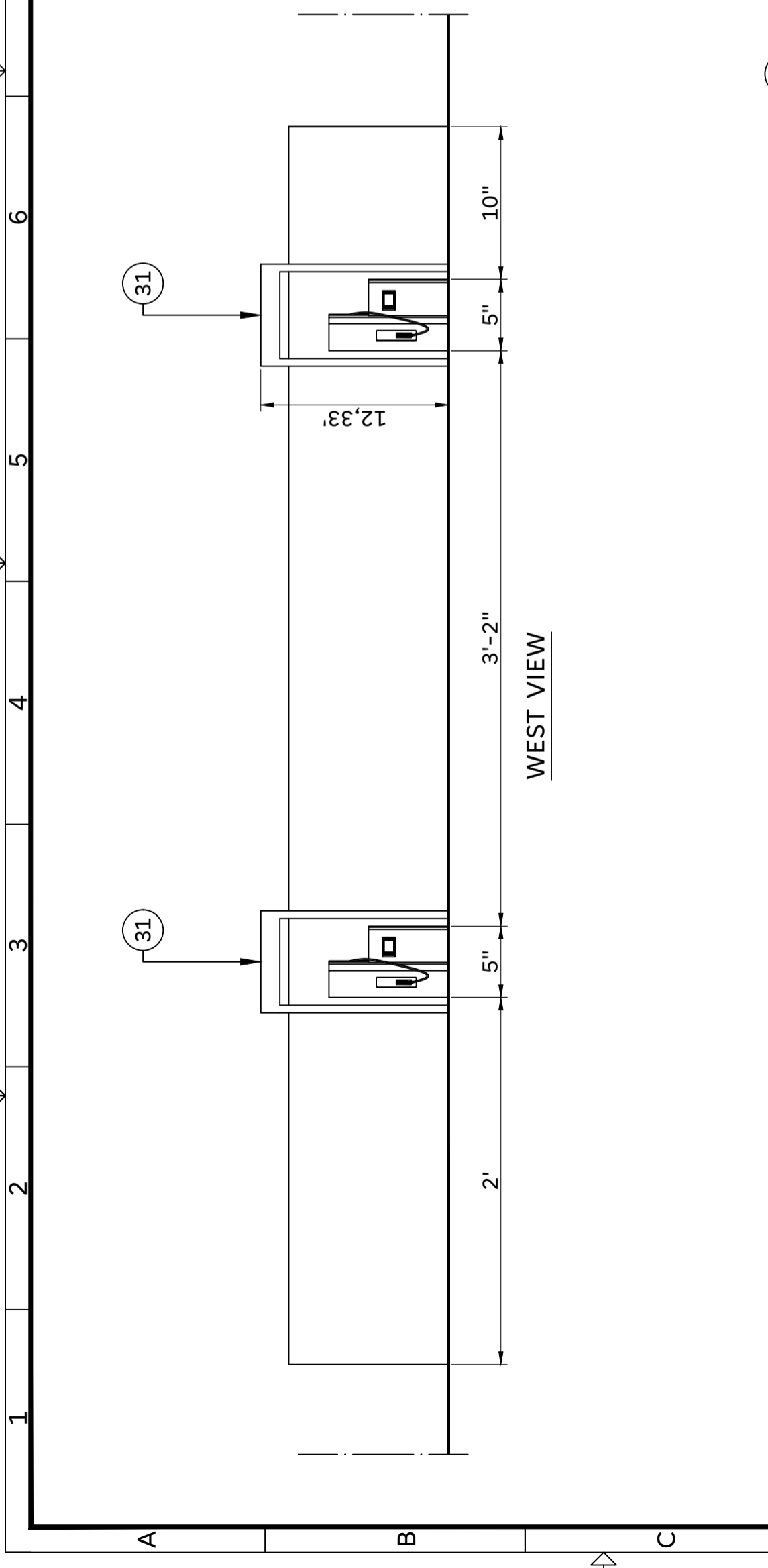
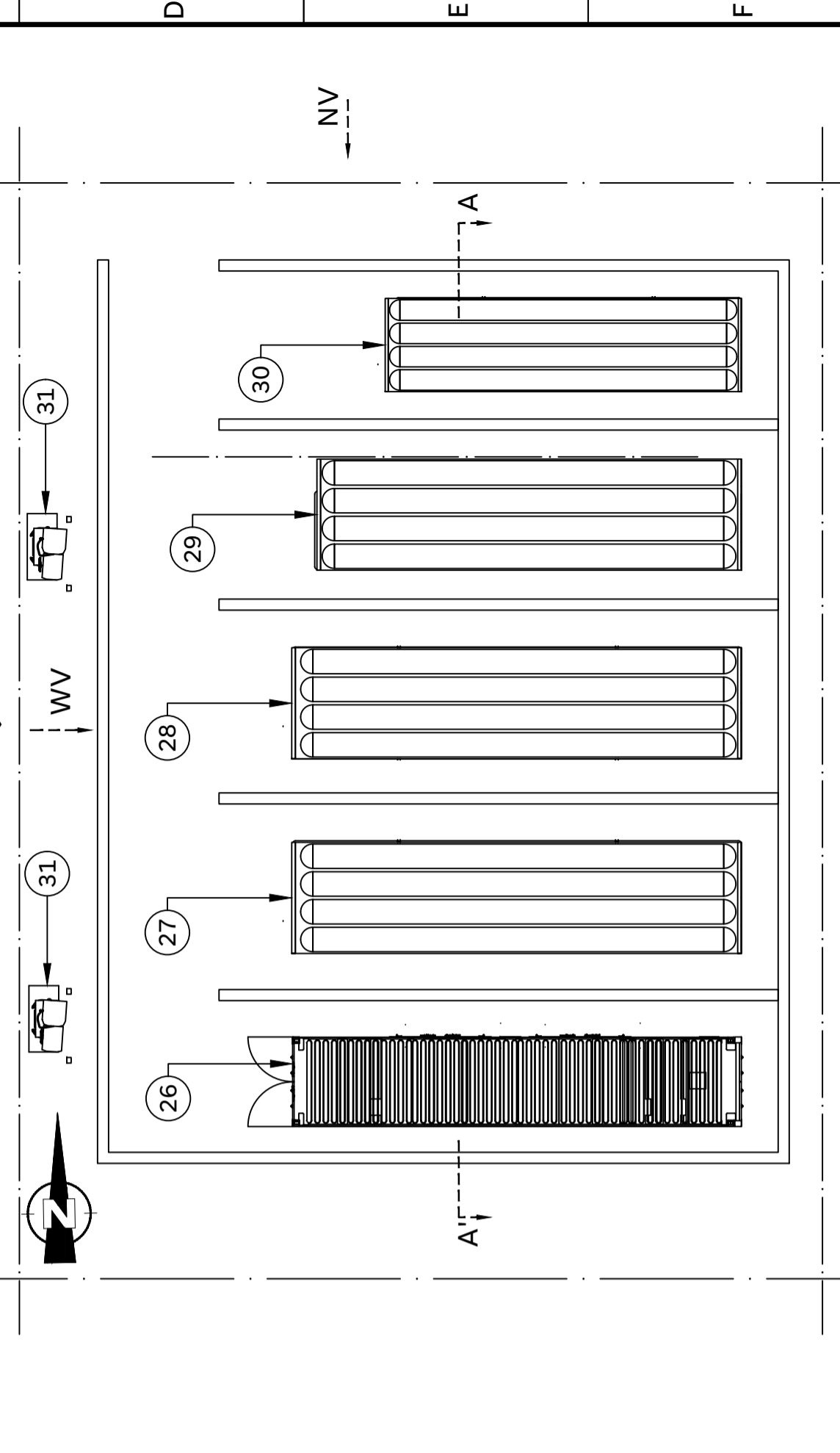
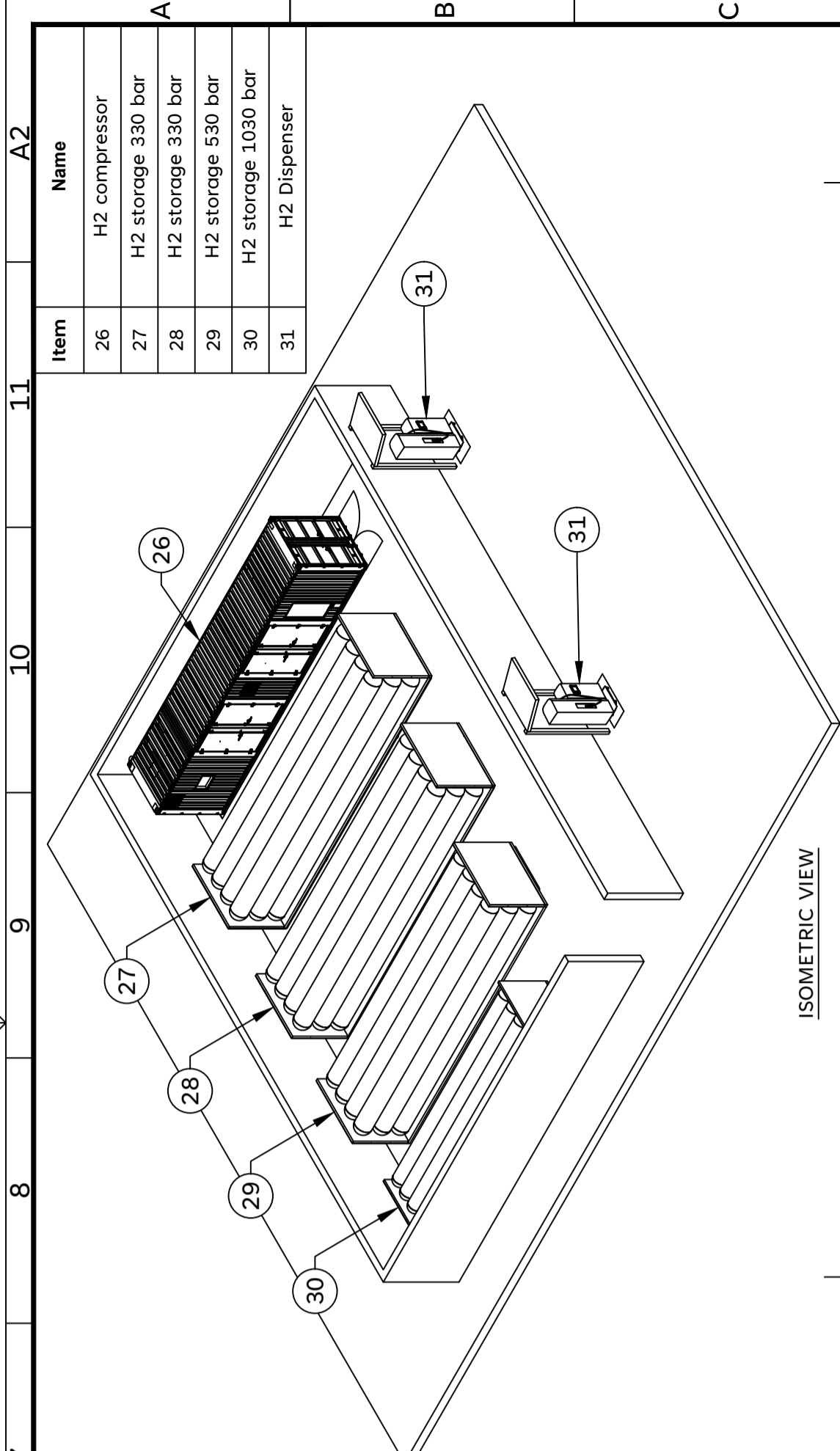
Future site for solar photovoltaic farm. Permit Folder LU22-002928, CUP: 3738



Hydrogen Generation Plan (Existing)  
 APN: 015-100-205  
 CUP: 3691  
 SPR: 8246  
 Occupancy classification:  
 - Electrolyzer, electrifier, compressor and filling station: H2.  
 - Water treatment area and control building: F2.  
 Capacity of production: 1 ton of H2 per day.

01	07/12/2023	General review and including PV plant		MJMR	JAC	MRZ
00	26/10/2023	For revision		MJMR	JAC	MRZ
Rev.	Revision Date	Description	Purpose	Drawn	Reviewed	Approved
Client:						
Project: SoHyCal I						
Contractor/Supplier:		Drawn	Reviewed	Approved		
		MJMR 04/26/2022	JAC 04/26/2022	MRZ 04/26/2022		
Scale: 1/32"=1'		GENERAL LAYOUT Plan Arrangement with HRS		Project Number: P-SHC-006		
Title & Subtitle		Internal Code Number:		Sheet: 1 of 3		
Document Number: SHC6-GAS-H2B2-HP-CS-0001					Revision: 01	

EXHIBIT 5



Item	Name
26	H2 compressor
27	H2 storage 330 bar
28	H2 storage 330 bar
29	H2 storage 530 bar
30	H2 storage 1030 bar
31	H2 Dispenser

Rev.	Revision Date	Description	Purpose	Drawn	Reviewed	Approved
01	07/12/2023	General review and including PV plant		MIMR	JAC	MRZ
00	26/10/2023	For revision		MIMR	JAC	MRZ

Client: **H2B2** Electrolysis Technologies

Contractor/Supplier: **SoHyCal I**

Project: **SoHyCal I**

Scale: **1/32" = 1'**

Title & Subtitle: **GENERAL LAYOUT**

Plan Arrangement with HRS

HRS equipment details. (Future)

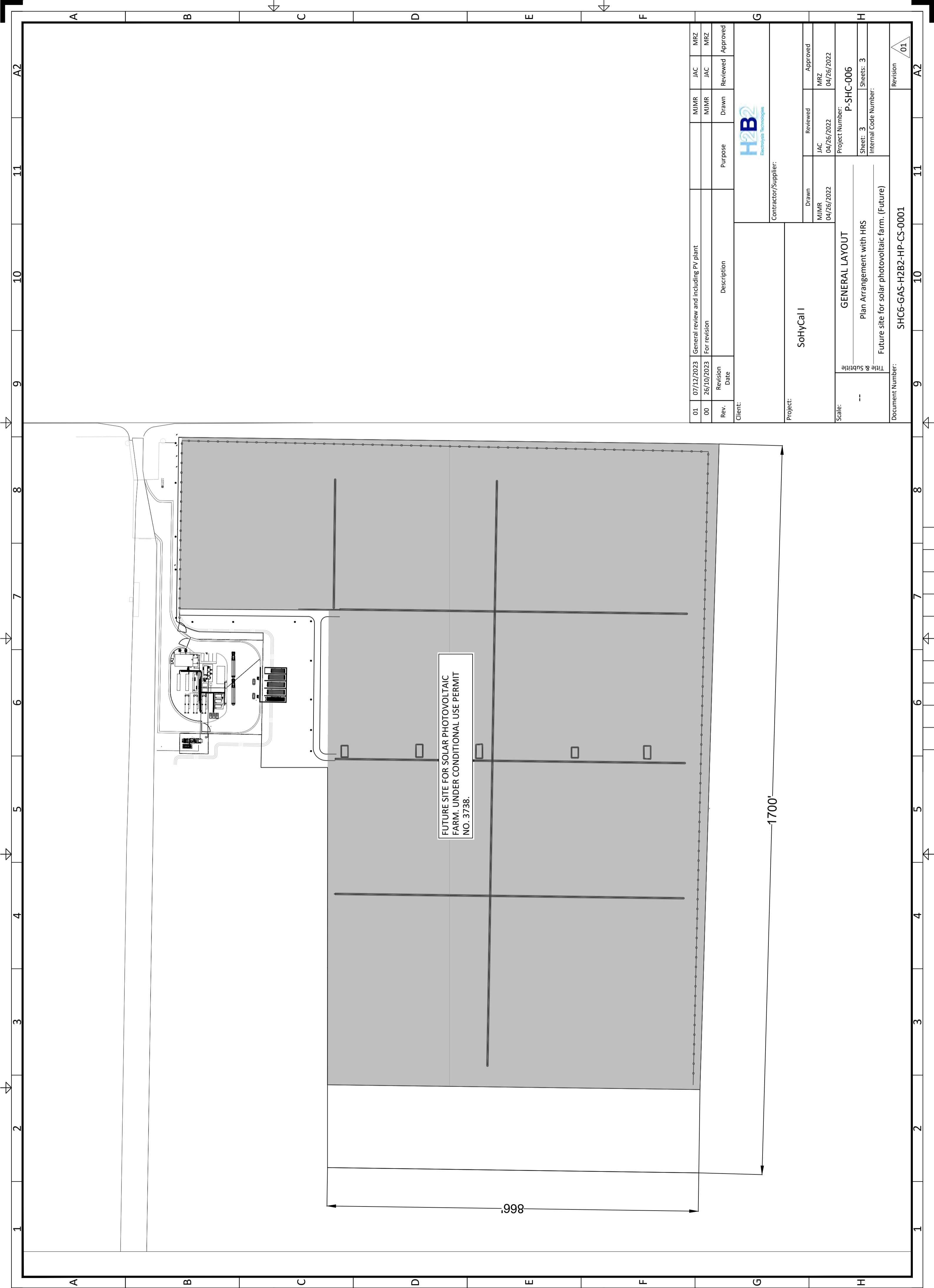
Project Number: **P-SHC-006**

Sheet: **2** / Sheets: **3**

Internal Code Number:

Document Number: **SHC6-GAS-H2B2-HP-CS-0001**

Revision: **/01**



FUTURE SITE FOR SOLAR PHOTOVOLTAIC FARM: UNDER CONDITIONAL USE PERMIT NO. 3738.

.998

1700'

01	07/12/2023	General review and including PV plant	MIMR	JAC	MRZ
00	26/10/2023	For revision	MIMR	JAC	MRZ
Rev.	Revision Date	Description	Drawn	Reviewed	Approved
Client:					
Project:			Contractor/Supplier: SoHyCal I		
Scale:			Drawn	Reviewed	Approved
Title & Subtitle			MIMR	JAC	MRZ
GENERAL LAYOUT			04/26/2022	04/26/2022	04/26/2022
Plan Arrangement with HRS			Project Number: P-SHC-006		
Future site for solar photovoltaic farm. (Future)			Sheet: 3 Sheets: 3		
Document Number: SHC6-GAS-H2B2-HP-CS-0001			Internal Code Number:		
Revision			Revision		
/01			/01		



EXHIBIT 6

**H2B2 USA, LLC**  
**Hydrogen Facility – Addition of Fuel Dispenser**  
**Operational Statement**

~~October 16, 2023~~  
**Revised October 30, 2023**

**Applicant:** H2B2 USA, LLC  
1060 Fulton St., Suite 301  
Fresno, CA 93721

**Property Owner:** Bar 20 Dairy, LLC  
250 E. Belmont Ave.  
Fresno, CA 93701  
  
24387 W. Whitesbridge Rd.  
Kerman, CA 93630

**APN:** 015-100-20s, a portion thereof

**Area:** 1.25 acres +/-

**Location:** 24209 W. Whitesbridge Rd., Kerman, CA 93630

**Request:** Approve, as a pilot program, the addition of two hydrogen fuel dispensers at an existing hydrogen facility site previously approved under Unclassified CUP No. 3691 and SPR No. 8246.

**Background**

Unclassified Conditional Use Permit (CUP) No. 3691 was approved on May 20, 2021, which approved a Hydrogen Facility estimated to produce 2,000 kg of hydrogen per day. On June 8, 2023, Unclassified CUP No. 3760 was approved to amend the amount of hydrogen produced by an increased 1,000 kg per day at the approved hydrogen facility. Unclassified CUP No. 3738 was approved on June 22, 2023, for the installation of a 15 MW solar field to power the existing hydrogen facility. Additionally, approved Site Plan Review (SPR) No. 8246 is associated with the project site.

The applicant requests approval of the addition of two hydrogen fuel dispensers at the project site on a pilot program basis. The intent is to support the transportation needs of the companies in the local agricultural industry, as well as local municipalities (i.e. City of Fresno, City of Clovis, etc.) as they transition their transit fleets to meet the California mandate.

**1. Nature of the Operation**

The applicant is proposing two hydrogen fuel dispensers at an approved hydrogen facility site. The fuel dispensers and related equipment would have the capacity of storing and

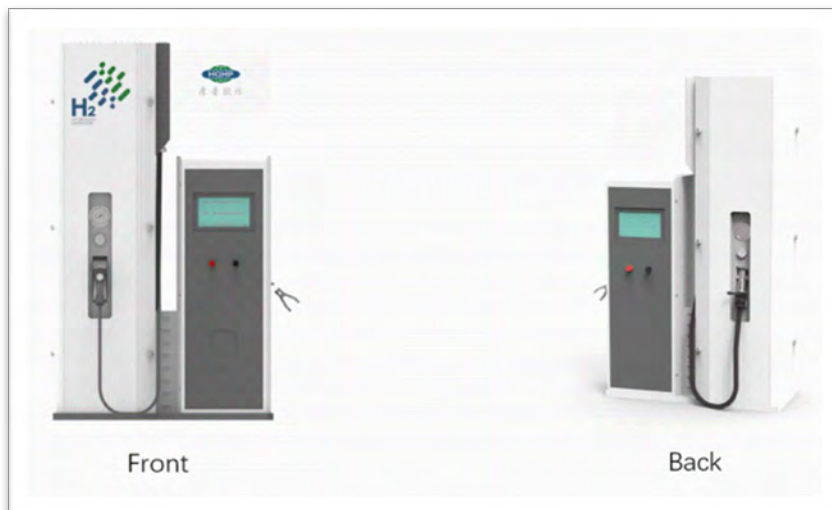
dispensing approximately 1,200 kg/day of hydrogen. There will be no deliveries to the site since the hydrogen facility is proximate to the proposed fuel dispensing area. See site plan for more details. The project is proposed with design and construction by H2B2 USA, LLC.

The proposed fuel dispensers will be state-of-the-art fast-fill hydrogen fueling typical of petroleum gas dispensers common to the county.

This fuel dispensing area request will serve the purpose of a pilot program that will showcase the operation of hydrogen fuel dispensing. For the first year, 2 additional trucks are proposed at the site. By 2025, the applicant projects an additional 3 trucks to be added, bringing in a total of an additional 5 trucks to the site (5 trips in and 5 trips out). The vehicles frequenting the site will be hydrogen powered local agricultural, semi-tractor-trailer, as well as mini and standard sized transit buses. A combination of these hydrogen powered vehicles will average 5, no more than 7 maximum, additional vehicles per day frequenting the site for hydrogen fueling. Some days there may be no vehicles.

The proposed fuel dispensers are designed to be fully automated and will be accessible and operated by Card-Lock technology. The proposed fuel dispenser area will be equipped with one (1) hydrogen compressor, two (2) hydrogen storage units at 330 bar (600kg capacity each), one (1) hydrogen storage unit at 530 bar (900kg capacity), and one (1) hydrogen storage unit at 1030 bar (300kg capacity), which will be encompassed within an 8,000 +/- sq. ft area. The area will be surrounded by a 10.5-foot masonry wall. The system will pump hydrogen at flow rates up to 97 kg/h.

As previously stated, each hydrogen dispenser will be equipped with one hose. Please see *Image 1- Proposed Hydrogen Dispenser* below for reference. Dimensions of the proposed hydrogen dispensers are 5' in width, 12.33' in height (including overhang), and 2' in depth. For more details, see *Sheet 2* of the site plan.



*Image 1 - Proposed Hydrogen Dispenser*



**2. Operational Time Limits**

The fuel dispenser area will be accessible 24 hours a day, 7 days per week. The fuel dispensing area will be accessible through Card-Lock technology entrée and dispensing.

**3. Number of Customers/Visitors**

The applicant proposes to have an average of 5, no more than 7 maximum, hydrogen powered vehicles frequent the site for the purpose of utilizing the hydrogen fuel dispensing pilot program. The proposed hydrogen powered vehicles frequenting the site will be local agricultural, semi-tractor-trailer, as well as mini and standard sized transit buses.

There will be no deliveries to the site since the hydrogen facility is located proximate to the proposed fueling area.

**4. Employees**

No additional employees will be needed for the fuel dispensers. The fuel dispensing area will be accessible and operated by Card-Lock technology and managed by existing H2B2 staff.

A total of three employees will operate the hydrogen facility, each serving one eight-hour shift. Accordingly, one person will be on-site 24 hours per day. Said employees will be readily available to address any issues that may arise for the proposed fuel dispenser area if needed.

**5. Service/Delivery Vehicles**

Routine fuel dispenser maintenance will occur two to three times per year by an outsourced company. Existing employees of the hydrogen facility will keep the proposed fuel dispensing area clean and free of debris.

**6. Site Access**

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

The fuel dispensing area will be located approximately 83 +/- feet east of the existing hydrogen facility. The proposed fuel dispensing area will only be accessible by Card-Lock technology.

**7. Number of Parking Spaces for Employees**

Currently, there are 3 parking stalls provided on the existing hydrogen facility site, including one (1) ADA-compliant parking stall. Parking will be provided per Fresno County standards for the proposed fuel dispensing site.

**8. Goods Sold on Site**

The hydrogen fuel will support the transportation needs of the companies in the local agricultural industry, specifically in the surrounding area.

**9. Equipment Used**

The proposed fuel dispensing area will be equipped with two (2) hydrogen dispensers, one (1) hydrogen compressor, two (2) hydrogen storage units at 330 bar (600kg capacity each), one (1) hydrogen storage unit at 530 bar (900kg capacity), one (1) hydrogen storage unit at 1030 bar (300kg capacity), two (2) chillers for dispensers, one (1) low-pressure storage unit, and one (1) medium pressure storage unit. For more details, see the project site plan.

**10. Supplies/Materials**

The supply being offered at the proposed fuel dispensers would be green hydrogen in compliance with the SAE J2719 standard for mobility. All green hydrogen dispensed will be transferred through the said dispensers for public use.

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

No. The site is within a larger 324.66+/- acre Bar 20 Dairy. The proposed fuel dispensing area will occupy only 8,000 sq. ft. of the approved hydrogen facility site.

**Glare:**

No change. Glare will be generated by the headlights of the vehicles frequenting the approved hydrogen facility and proposed fuel dispenser area. The applicant will mitigate any light nuisance by shielding and directing light fixtures downward to be contained within the project site.

**Noise:**

No speakers of any kind are used at the facility. All requirements of the County of Fresno 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.

**Odor:**

The Project produces no odors and is part of a 324.66 +/- acre operational dairy. The closest receptor is located in APN 015-100-21S which is owned by Bar 20 Dairy, LLC.

**12. Solid/Liquid Waste Produced**

No solid or liquid waste will be produced on the proposed Project site.

**13. Estimated Volume of Water Used**

No change from previously approved CUP No. 3691.

**14. Proposed Advertising**

There will be no business signage. All signage for safety, as per Cal OSHA, etc. will be posted as required.

**15. Existing or New Buildings Constructed**

The proposed fuel dispensing area will be equipped with two (2) hydrogen dispensers, one (1) hydrogen compressor, two (2) hydrogen storage units at 330 bar (600kg capacity), one (1) hydrogen storage unit at 530 bar (900kg capacity), one (1) hydrogen storage unit at 1030 bar (300kg capacity), two (2) chillers for dispensers, one (1) low-pressure storage unit, and one (1) medium pressure storage unit. For more details, see site plan.

As previously mentioned, there is an existing hydrogen facility and related improvements approved by CUP No. 3691 and SPR No. 8246.

**17. Outdoor Lighting or Sound Amplification**

During night operation, outdoor lighting will illuminate the dispensing area. All lighting will be downward hooded fixtures.

The project will also utilize security cameras covering the facility 24/7.

**18. Landscaping/Fencing**

No change. No landscaping is proposed for the proposed project.

**19. Other Information Providing Clear Understanding of the Project Operations**

**Surface drainage and runoff control:**

No change. Site drainage will occur in accordance with County of Fresno requirements.

**Employee Training:**

The applicant will train employees and conduct safety meetings on pertinent subject for operations. Special emphasis is placed on general safety, housekeeping, and emergency procedures.

**Fuel storage:**

Hydrogen storage will occur on the existing approved hydrogen facility site located proximate to the proposed fuel dispensing area. Hydrogen storage design, manufacturing, and operation will meet safety standard NFPA 2. See conceptual site plan for more details.

**Safety equipment:**

The proposed fuel dispensing area will comply with all applicable design, construction, operational and safety standards.

**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 de Tena. There are 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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# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 5 May 20, 2021

**SUBJECT:** Initial Study No. 7943 and Unclassified Conditional Use Permit Application No. 3691

Allow a renewable hydrogen generation facility on 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 nearest intersection with South James road and is approximately 7.4 miles east of the City of Mendota (APN 015-100-20S) (SUP. DIST.: 1).

**OWNER:** Bar 20 Dairy, LLC.

**APPLICANT:** H2B2 USA, LLC.

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7943; and
- Approve Unclassified Conditional Use Permit Application No. 3691 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. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Applicant's Operational Statement
7. Summary of Initial Study No. 7943
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
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	N/A	Approximately 1.25 acres
Structural Improvements	Ground Mount Solar Array and Single-Family Residence	Hydrogen Generation Facility with office
Nearest Residence	Approximately 4,910 feet	No change
Surrounding Development	Dairy, Agriculture, and Minimal Single-Family Residential,	No change
Operational Features	N/A	Hydrogen generation facility powered by digester facility westerly adjacent. Plant will operate 24 hours a day, 7 days a week and will have three employees.
Employees	N/A	Three employees to operate the plant, each serving one eight-hour shift.
Customers	N/A	No customers

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Traffic Trips	N/A	Three employees and two delivery trucks
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. 7943 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 9, 2021

**PUBLIC NOTICE:**

Notices were sent to 6 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An Unclassified Conditional Use Permit Application may be approved only if four 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:**

Existing building permit records indicate the presence of a ground mount solar array and single-family residence on the subject parcel. The proposed hydrogen generation facility will be located in excess of 2,000 feet from the existing single-family residence. The project proposes to receive power from the nearby anaerobic digester facility located on the westerly adjacent parcel. The westerly adjacent parcel is currently improved with a dairy and approved anaerobic digester facility 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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
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 Section 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 Section 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.

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 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.

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.

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.

Outdoor lighting should be hooded and directed away from adjoining streets and properties. This shall be included as a Mitigation Measure

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.

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. 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. This shall be included as a Condition of Approval

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.

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.

**Analysis:**

Review of the submitted site plan indicates that the proposed improvements will be located outside established setbacks. Development of the project will be expected to follow and 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. 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. Therefore, staff finds that the subject parcel is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 1 can be made.

**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.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
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 AADT	Increase to include 3 employees and two trucks and trailers for delivery of hydrogen
Road Classification		State Route	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	Caltrans did not request preparation of a TIS
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 the Fresno County Department of Public Works and Planning: 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.

**Analysis:**

Per the Applicant, the project proposes to have a total of three persons to operate the plant and up to two delivery vehicles picking up the hydrogen and delivering it to an offsite location. The subject parcel has road frontage along State Route 180 (W. Whitesbridge Avenue) and is maintained by the California Department of Transportation (Caltrans). Caltrans’ response to the project routing indicates that site access be taken through the existing driveway and not by any new point of access. Caltrans did not provide comment to indicate that the increase in trip generation resulting from the project would have any adverse impact on their facilities. As there are no County facilities being directly affected by the project, and comments received from Caltrans, State Route 180 is adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

None

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	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.

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.

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.

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.

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).

Fresno County Fire Protection District: 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.

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

**Analysis:**

The Department of Public Health, Environmental Health Division (EHD), the San Joaquin Valley Air Pollution Control District (SJVAPCD), and the Fresno County Fire Protection District (FCFPD) provided comments for the project that would be considered during permitting and operation of the proposed use. Aerial images of the site indicate that there are minimal sensitive receptors in the vicinity of the project site.

A Health Risk Assessment (HRA) was requested and reviewed by the SJVAPCD. A HRA identifies and screens potential toxic air contaminants that would impact surrounding sensitive receptors. Toxic air contaminants (TACs) are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. The HRA analyzed the potential impacts of TACs and concluded that the project is not anticipated to result in a substantial increase in health risk to off-site receptor locations. The HRA has been reviewed by the SJVAPCD and accepted the results of the HRA.

Based on the review conducted by Agencies and Departments, the preparation and acceptance of the Health Risk Assessment by the San Joaquin Valley Air Pollution Control District, and the minimal presence of sensitive receptors in the vicinity of the subject site, the project is not expected to have an adverse effect on abutting property and the surrounding neighborhood.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 3 can be made.

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

**Reviewing Agency Comments:**

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

The above comments provided by reviewing Agencies and Departments are to be included as project notes unless otherwise stated. No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

As indicated by the review conducted by the Policy Planning Section of the Fresno County Department of Public Works and Planning, there are no relevant General Plan policies that would be impacted by the project proposal. As there are no relevant General Plan policies, the project is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

Finding 5:

**Analysis Finding 5:**

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.

**Conclusion Finding 5:**

Finding 5 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3691, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7943; 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. 3691, 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. 3691; 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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## Inter Office Memo

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DATE: May 20, 2021

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12883 - INITIAL STUDY NO. 7943 AND UNCLASSIFIED  
CONDITIONAL USE PERMIT APPLICATION NO. 3691

APPLICANT: H2B2 USA, LLC.

OWNER: Bar 20 Dairy, LLC.

REQUEST: Allow a renewable hydrogen generation facility on 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 nearest intersection with S. James Road and is  
approximately 5 miles North of the Community of  
Tranquility, 240258 W. Whitesbridge Ave., Tranquility  
(APN 015-100-20S) (Sup. Dist. 1).

### PLANNING COMMISSION ACTION:

At its hearing of May 20, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Ede and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3691, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Ede, Chatha, Abrahamian, Carver, Eubanks,  
Ewell, Hill, Woolf

No: None

RESOLUTION # 12883

Absent: Commissioner Burgess

Abstain: None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
William M. Kettler, Manager  
Development Services and Capital Projects Division

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 7943  
Classified Conditional Use Permit Application No. 3691

- Staff: The Fresno County Planning Commission considered the Staff Report dated May 20, 2021 and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The proposed operation will take methane generated from a dairy digester facility located on an adjacent parcel to the east (previously approved by CUP 3580) and convert it to clean energy.
  - This project is supported by the California Energy Commission.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program**  
**Initial Study No. 7943**  
**Unclassified Conditional Use Permit Application No. 3691**  
**(Including Conditions of Approval and Project Notes)**

EXHIBIT B

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 accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement as approved by the Planning Commission.				
2.	A Site Plan Review application and approval is required.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.					
Notes					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
1.	The Zoning Section of the Fresno County Department of Public Works and Planning provide the following comments: <ul style="list-style-type: none"> <li>• A site inspection and evaluation permit and septic system permit shall be required prior to permit issuance related to the hydrogen generation facility.</li> <li>• All proposed improvements will require building permits and final inspection</li> </ul>				
2.	The Site Plan Review Section of the Fresno County Department of Public Works and Planning provide the following comments:				

**Notes**

	<ul style="list-style-type: none"> <li>• Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li> <li>• A dust palliative should be required on all unpaved parking and circulation areas.</li> <li>• Per County Parking Standards, twenty-nine (29) feet is required for back-up clearance in parking areas.</li> <li>• 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.</li> <li>• Parking stall shall be constructed in compliance with County and state standards.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
3.	<p>The Development Engineering Section of the Department of Public Works and Planning provided the following comments:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• A grading permit or voucher is required for any grading proposed with this application.</li> <li>• Any proposed or existing driveway should be set back a minimum of 10 feet from the property line.</li> <li>• For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded</li> </ul>

**Notes**

	<p>and asphalt concrete paved or treated with dust palliative.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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. 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.</li> </ul>
4.	<p>The California Department of Transportation recommends site access through the existing driveway and not by any new point of access.</p>
5.	<p>The Department of Public Health, Environmental Health Division provided the following comments:</p> <ul style="list-style-type: none"> <li>• The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance.</li> <li>• 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: &gt;55 gallons (liquids), &gt;500 pounds (solids), &gt;200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.</li> <li>• 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.</li> <li>• 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.</li> <li>• New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.</li> <li>• 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.</li> </ul>
6.	<p>The San Joaquin Valley Air Pollution Control District provided the following comments:</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>

**Notes**

emissions using best available control technology (BACT). This project will be subject to District Rule 2010 and Rule 2201 and will require District permits.

- 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).

7.

The Fresno County Fire Protection District provided the following comments:

- 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 include: 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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# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 June 8, 2023

**SUBJECT:** Unclassified Conditional Use Permit Application No. 3760

Amend Unclassified Conditional Use Permit No. 3691 to allow an increase in the production of renewable hydrogen, from approximately 2,000 kilograms per day to approximately 3,000 kilograms per day at an approved hydrogen generation facility located on an approximately 1.25-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 nearest intersection with South James road and approximately 7.4 miles east of the nearest city limits of the City of Mendota (APN: 015-100-20S) (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:

- Approve Unclassified Conditional Use Permit Application No. 3760, amending Unclassified CUP No. 3691 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plan, Elevation and Floor Plan
6. Revised Operational Statement
7. Planning Commission Staff Report (without exhibits) and Resolution for CUP No 3691
8. Summary of Initial Study No. 7943 and Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
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	Approximately 1.25 acres.	No change
Structural Improvements	Single Family Dwelling/Dairy operation related structures.	Approved Hydrogen Generation Facility.
Nearest Residence	Approximately 4,910 feet.	No change
Surrounding Development	Dairy, Agriculture, and Minimal Single-Family Residential.	No change
Operational Features	Dairy; Approved hydrogen generation facility powered by digester facility on westerly adjacent dairy. Hydrogen plant will operate 24 hours a day, 7 days a week and will have three employees.	Increase in daily hydrogen production from approximately 2,000 kg to 3,000 kg or more per day.
Employees	Three employees to operate the plant, each serving one eight-hour shift.	No change
Customers	N/A	No customers
Traffic Trips	Three employee trips and up to two delivery trucks per day.	Three employee trips and up to three delivery trucks per day.

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Lighting	Outdoor lighting	No change
Hours of Operation	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).	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:**

A Mitigated Negative Declaration (MND) was prepared for Initial Study No. 7943 and adopted by the Fresno County Planning Commission on April 20, 2021. This application seeks to amend Unclassified Conditional Use Permit No. 3691 to allow an increase in hydrogen production. The Mitigation Measures adopted for Initial Study No. 7608 still apply to each of the approved CUPs as applicable.

According to Section 15162(a) of the CEQA Guidelines, Subsequent EIR's and Negative Declarations: (a) When an EIR or negative declaration (MND) is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed on the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant

effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

**PUBLIC NOTICE:**

Notices were sent to the property owners of the 51 parcels that are within one-mile of the subject parcel, in addition to all parties requesting notices, which exceeds the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

None

**PROCEDURAL CONSIDERATIONS:**

A 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 a Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The hydrogen generation facility was approved by CUP 3691. The project will receive electrical power generated by a biogas powered engine, which is supplied biogas by an anaerobic digester located on the westerly adjacent parcel. The westerly adjacent parcel is currently improved with a dairy and approved anaerobic digester facility under Unclassified Conditional Use Permit No. 3580. The subject parcel is also currently improved with a single-family residence, and a 6.5-acre ground mount solar array. The hydrogen facility will be located in excess of 2,000 feet from the existing dwelling.

**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.**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
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 Section of the Department of Public Works and Planning: 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 improvements will be located outside established setbacks. Development of the project will be expected to follow and 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. No concerns were expressed by reviewing agencies and departments as to the adequacy of the subject parcel.

**Recommended Conditions of Approval:**

See recommended Conditions of Approval attached as Exhibit 1.

**Finding 1 Conclusion:**

Finding 1 can be made, as the subject parcel is adequate in size and shape to accommodate the proposed use.

**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.**

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change

		Existing Conditions	Proposed Operation
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.	Amended operation will utilize existing driveway as approved.
Road ADT		7,400 (Annual) Average trips per day.	No change
Road Classification		State Route	No change
Road Width		Approximately 60 feet of paved width.	No change
Road Surface		Paved Asphalt	No change
Traffic Trips		Increase of 5 round trips (10 one-way trips) based on two employees and up to three trucks to export hydrogen.	Increase of 6 round trips (12 one-way trips) based on three (3) employees and up to three(3) trucks to export hydrogen.
Traffic Impact Study (TIS) Prepared	No	N/A	Caltrans did not request preparation of a TIS.
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 the Department of Public Works and Planning: 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.

**Finding 2 Analysis:**

According to the Applicant’s operational statement, the project proposes to have a total of three employees to operate the hydrogen plant, and there would be up to three daily tube trailer trucks picking up the hydrogen for offsite delivery. The subject parcel has road frontage along State Route 180 (W. Whitesbridge Avenue) and is maintained by the California Department of Transportation (Caltrans). Caltrans commented on the previously approved project indicating that site access should be taken through the existing driveway and not by any new point of access. There are no County facilities being directly affected by the project, and based on

comments received from Caltrans, State Route 180 is adequate in width and pavement type to serve the proposed use.

**Recommended Conditions of Approval:**

None

**Finding 2 Conclusion:**

Finding 2 can be made, as the proposed application does not substantially increase traffic on surrounding roadways.

**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: 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.

Department of Public Works and Planning Water and Natural Resources Division: After review of the proposal, the Division has determined that the proposed amended project will have less than significant impact on existing groundwater levels. The additional water use is minimal, and a portion of the water will be used for crop irrigation. Additionally, the subject parcel is not located within an area of the County identified as water short.

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.

Fresno County Fire Protection District: 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 will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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

**Finding 3 Analysis:**

Comments from reviewing Agencies and Departments, did not identify any adverse effects from the minor increase in the output of production from the project.

**Recommended Conditions of Approval:**

None

**Finding 3 Conclusion:**

Finding 3 can be made as there have been no adverse effects identified.

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

**Reviewing Agency Comments:**

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

The above comments provided by reviewing Agencies and Departments are to be included as project notes unless otherwise stated. No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

As indicated by the review conducted by the Policy Planning Section of the Fresno County Department of Public Works and Planning, there are no relevant General Plan policies that would be impacted by the project proposal.

**Recommended Conditions of Approval:**

None

**Finding 4 Conclusion:**

Finding 4 can be made as the project does not conflict with the General Plan.

**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 conditions of approval were developed based on 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.

**Finding 5 Conclusion:**

Finding 5 can be made as the recommended conditions are necessary for the protection of public health, safety and general welfare.

**SUMMARY CONCLUSION:**

The increase in the quantity of Hydrogen to be produced does not constitute an appreciable change in operation and will have little if any additional effect on the area, staff has determined that the required Findings for granting the Unclassified Conditional Use Permit Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3760, amending Unclassified Conditional Use Permit No. 3691, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- 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. 3760 amending Unclassified CUP No. 3691, subject to the 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. 3760; 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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## Inter Office Memo

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DATE: June 8, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12997 - UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3760

APPLICANT: H2B2 USA, LLC.

OWNER: Bar 20 Dairy, LLC.

REQUEST: Amend Unclassified Conditional Use Permit No. 3691 to allow an increase in the production of renewable hydrogen, from approximately 2,000 kilograms per day to approximately 3,000 kilograms per day at an approved hydrogen generation facility located on an approximately 1.25-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 nearest intersection with South James road and approximately 7.4 miles east of the nearest city limits of the City of Mendota (APN: 015-100-20S) (Sup. Dist. 1).

### PLANNING COMMISSION ACTION:

At its hearing of June 8, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Commissioner Zante to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3760, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Unclassified Conditional Use Permit Application No. 3760

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 8, 2023, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following additional information to clarify the intended use:
- The change proposed is that the project would add one additional truck trip for off-site delivery of hydrogen.
  - The project utilizes bovine waste from an adjacent dairy to provide power to generate the hydrogen.
- Others: One other individual spoke in support of the application, stating the following:
- The project has received grant funding from the California Energy Commission. The facility would be the applicants first on the west coast.
  - The facility is anticipated to produce approximately three (3) tons of green hydrogen per day, enough to supply approximately 500 light vehicles every 24 hours.
  - The project is essential is realizing both state and local renewable energy goals.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Unclassified Conditional Use Permit Application No. 3760  
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	The project shall comply with all Mitigation Measures, Conditions of Approval, and Project Notes for Unclassified Conditional Use Permit No. 3691.
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Detail Drawings and Operational Statement.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>The Fresno County Fire Protection District provided the following comments:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Project/Development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Development including Single-Family Residential (SFR) properties of three or more housing units, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property.</li> <li>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.</li> </ul>

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# 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. 7943 and Unclassified Conditional Use Permit Application No. 3691
- DESCRIPTION: Allow a renewable hydrogen generation facility on 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 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with South James Road and is approximately 7.4 miles east of the City of Mendota (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 324.66-acre parcel with a renewable hydrogen generation facility and other associated improvements. The proposed improvements will degrade the existing visual nature of the site as the site is mainly utilized for agricultural cultivation. The project site is approximately 510 feet south of the nearest right-of-way with crops located in between. Review of aerial and street views of the project site do not indicate any high scenic quality view that would be substantially degraded by the project. The construction of structure would degrade the existing visual character but is determined to not have a significant impact on existing visual character. Therefore, the construction of structures and improvements on this site 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:

Per the 2016 Fresno County Important Farmland Map prepared by the California Department of Conservation, the subject parcel is designated for Farmland of Statewide Importance, Unique Farmland, and Confined Animal Agriculture. The project is proposed to be sited on land designated Farmland of Statewide Importance. 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 324.66-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 1.25 acres large and has been determined that the conversion of approximately 1.25 acres of farmland compared to the overall 324.66-acre parcel is less than significant.

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

FINDING: NO IMPACT:

The subject parcel is not 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. Per the Applicant's Operational Statement, the project proposes to receive manure from off-site sources and process said manure into hydrogen fuel for commercial sale. As the proposed use is a listed use under the provisions of the Unclassified Conditional Use Permit, the project does not conflict with the existing zoning for agricultural use.

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:

Per the design of the project proposal, the use will be powered by an anaerobic digester and biogas facility on the westerly adjacent parcel. The use proposes to have three employees to operate the plan with one person on site 24 hours a day. In considering the operational aspects of the project, it does not appear that the project will result in the conversion of additional farmland to non-agricultural use or the conversion of forest land to non-forest use. If expansion of the use were to occur after it has been established on the site, an amendment to the land-use permit may be required and further review of the expansion would occur to ensure no adverse impacts ensues.

### 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. These suggestions and comments from the SJVAPCD will be implemented as Project Notes to advise the Applicant comments provided by the SJVAPCD. Therefore, a less than significant impact is seen on criteria pollutants generated by the project proposal.

- 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:

A Health Risk Assessment (HRA) dated January 19, 2021 prepared by LSA for the project proposal was submitted to the SJVAPCD for review and comment. Based on the findings of the HRA, the SJVAPCD did not have any concerns regarding the

modeling and conclusions made. The prioritization scores for the project are below the SJVAPCD's recommended high-risk screening threshold and as a result would not have a significant adverse health risk to nearby off-site receptors. The project would not result in the installation of any other major stationary sources of Toxic Air Contaminants (TAC) and will result in a less than significant impact.

Aerial images of the project site and surrounding area suggest that the closest sensitive receptor is located approximately 4,900 feet west of site. There are two sites improved with confined bovine facilities and the sensitive receptor is employee housing for the bovine facility. In considering the existing conditions of the area already impacted by the large bovine facilities and the distance of the project site from the sensitive receptor, the project will likely have a less than significant impact on the sensitive receptor. Additionally, per the Applicant's Operational Statement, the use does not generate odors that would adversely affect sensitive receptors.

#### 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:

Per the California Natural Diversity Database, the project site is located within the radius of two reported occurrences. The Tricolored Blackbird is a state listed species and is designated threatened. The Sanford's Arrowhead non-listed species. As the Sanford's Arrowhead is a non-listed species, project review will focus on the special status Tricolored Blackbird. The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife were notified of the project proposal and no concerns were expressed after the initial routing.

According to the California Natural Diversity Database, the reported Tricolored Blackbird occurrence was reported on April 18, 2015 with an accuracy radius of three fifths of a mile and is presumed extant. The Species Account for the Tricolored Blackbird prepared by the California Department of Fish and Wildlife that Tricolored Blackbird nest heights range from a few centimeters to about 1.5 meters above water or ground at colony sites in freshwater marshes and up to 3 meters in the canopies of willows and other riparian trees. Their nests are rarely built on the ground. Basic requirements for selecting breeding sites are open accessible water, a protected nesting substrate, and suitable foraging space. With the loss of a natural flooding cycle and most native wetland and upland habitats in the Central Valley, Tricolored Blackbirds now forage primarily in artificial habitats which include areas that have shallow-flood irrigation, mowing, or grazing that keeps the vegetation at an optimal height. Foraging habitat also include crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields, as well as annual grasslands, cattle feedlots and dairies. It has been seen that

vineyards, orchards, and row crops do not provide suitable nesting substrates or foraging habitat for Tricolored Blackbirds.

The project proposes to develop an approximately 1.25-acre portion of the existing 324.48-acre parcel. The subject parcel has historically been utilized for agricultural production with the property more recently improved with a ground mount solar array just south of the proposed hydrogen production site. Based on the information provided by the CDFW, the adjacent dairy operation could provide foraging habitat, but not nesting habitat for the Tricolored Blackbird. In considering the proposal, an approximately 1.25-acre portion of the overall 324.48-acre parcel would be converted to a non-agricultural use. This conversion is not expected to have a substantial adverse effect on the Tricolored Blackbird as the area being converted is small compared to the overall size of the subject parcel with the majority of it still being utilized for agricultural purposes. Therefore, a less than significant impact is seen.

- 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 provided by the U.S. Fish and Wildlife Service, there are no wetlands on the project site. 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. No comments were received from the CDFW or the USFWS to indicate an impact 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:

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 will be implemented in the unlikely event they are unearthed during ground-disturbing activities related to project construction and operation.

\* **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:

Per the Applicant's Operational Statement, the project proposes to utilize energy produced from an anaerobic digester located on the westerly adjacent parcel. The anaerobic digester processes effluent produced from the existing dairy operation and will provide biogas to power the proposed hydrogen production facility. The project is also a renewable energy project which will produce hydrogen gas to provide energy for off-site sources including to be used as fuel for fuel cell electric vehicles. In considering the existing renewable energy source being utilized to power the proposed facility and scope of the project, there is no potentially significant environmental impact from the consumption of energy resources for project operation and 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:

Per the Applicant's Operational Statement, the proposed hydrogen production facility will be powered by biogas produced from an existing anaerobic digester located on the westerly adjacent parcel. The proposed equipment to power the facility will utilize biogas and would not generate additional greenhouse gas emissions. Generation of greenhouse gas emissions related to the transportation of the produced hydrogen fuel is likely to be the biggest emitter of greenhouse gasses. This however is expected to be less than significant as the number of transporting trucks is low and those trucks are considered to be compliant with all state regulations regarding emission standards. 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.

## 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 use 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.

- 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.

- 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.

- 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 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 Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance. The nearest sensitive receptor to the project site is approximately 4,900 feet west of the site. 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:

Per the Applicant's Operational Statement, the proposed use will have between five and seven employees and have up to two trucks to be loaded with the produced hydrogen gas. The main access road will utilize State Route 180 which is a State maintained right-of-way. Review of the project proposal and traffic generation by Caltrans did not indicate a exceedance of an established threshold or the requirement for preparation of a traffic study. Therefore, 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:

Per the Applicant's Operational Statement, the project proposes to obtain a majority of power from an existing anaerobic digester facility located on the westerly adjacent parcel. This proposed hydrogen production facility will be improved with specialized equipment to receive biogas produced from the digester and power the 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 will be would be permitted in accordance with County 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 1.25-acre portion of the 324.66-acre parcel from agricultural use to the proposed hydrogen production 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. 3691, 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, Biological Resources, 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, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of listed 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.

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