



Inter Office Memo

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.

RESOLUTION NO. 12997

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Arabian, Zante, Abrahamian, Chatha, Ewell, Hill and Woolf
	No:	None
	Absent:	Commissioner Carver
	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

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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EXHIBIT B

**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 required 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"> • 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 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. • Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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EXHIBIT B