



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:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	324.66 acres	No change
Project Site	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

Criteria	Existing	Proposed
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.

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

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning 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.*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Subject parcel has frontage along State Route 180 (W. Whitesbridge Avenue)	No change
Direct Access to Public Road	Yes	An existing driveway located between the subject parcel and westerly adjacent parcel provides access to SR 180	Proposed operation will utilize existing driveway
Road ADT		7,400 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.*

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

Reviewing Agency/Department Comments:

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

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.

TK:

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EXHIBIT 1

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

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
Conditions of Approval					
1.	Development shall be in 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.				
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	The Zoning Section of the Fresno County Department of Public Works and Planning provide the following comments: <ul style="list-style-type: none"> A site inspection and evaluation permit and septic system permit shall be required prior to permit issuance related to the hydrogen generation facility. All proposed improvements will require building permits and final inspection 				
2.	The Site Plan Review Section of the Fresno County Department of Public Works and Planning provide the following comments:				

*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.

EXHIBIT 1

Notes	
	<ul style="list-style-type: none"> • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • A dust palliative should be required on all unpaved parking and circulation areas. • Per County Parking Standards, twenty-nine (29) feet is required for back-up clearance in parking areas. • The operational statement/project description indicate that up to 3 employees will be on site at the facility. Off-street parking requirements shall be one (1) parking space for every two employees on site for a minimum of 2 parking spaces, one of which shall be an ADA van accessible parking stall located as close as possible to the main entrance of the main building. • Parking stall shall be constructed in compliance with County and state standards. • All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. A four (4) foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. • ADA stalls shall be concrete, or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons does not cross driveway into parking lot. • Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt. • Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. • No building or structure erected in the AE-20 Zone District shall exceed 35 feet in height per Section 816.5-D of the Fresno County Zoning Ordinance. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agricultural) Zone District. • Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) and require submittal of landscape and irrigation plans per Governor Drought Executive Order of 2015. The landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.
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"> • Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into Caltrans right-of-way, and must be retained on-site per County standards. • Typically, if the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning will be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. • Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board. Storage pond should be located outside the Special Flood Hazard Area. • A grading permit or voucher is required for any grading proposed with this application. • Any proposed or existing driveway should be set back a minimum of 10 feet from the property line. • For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded

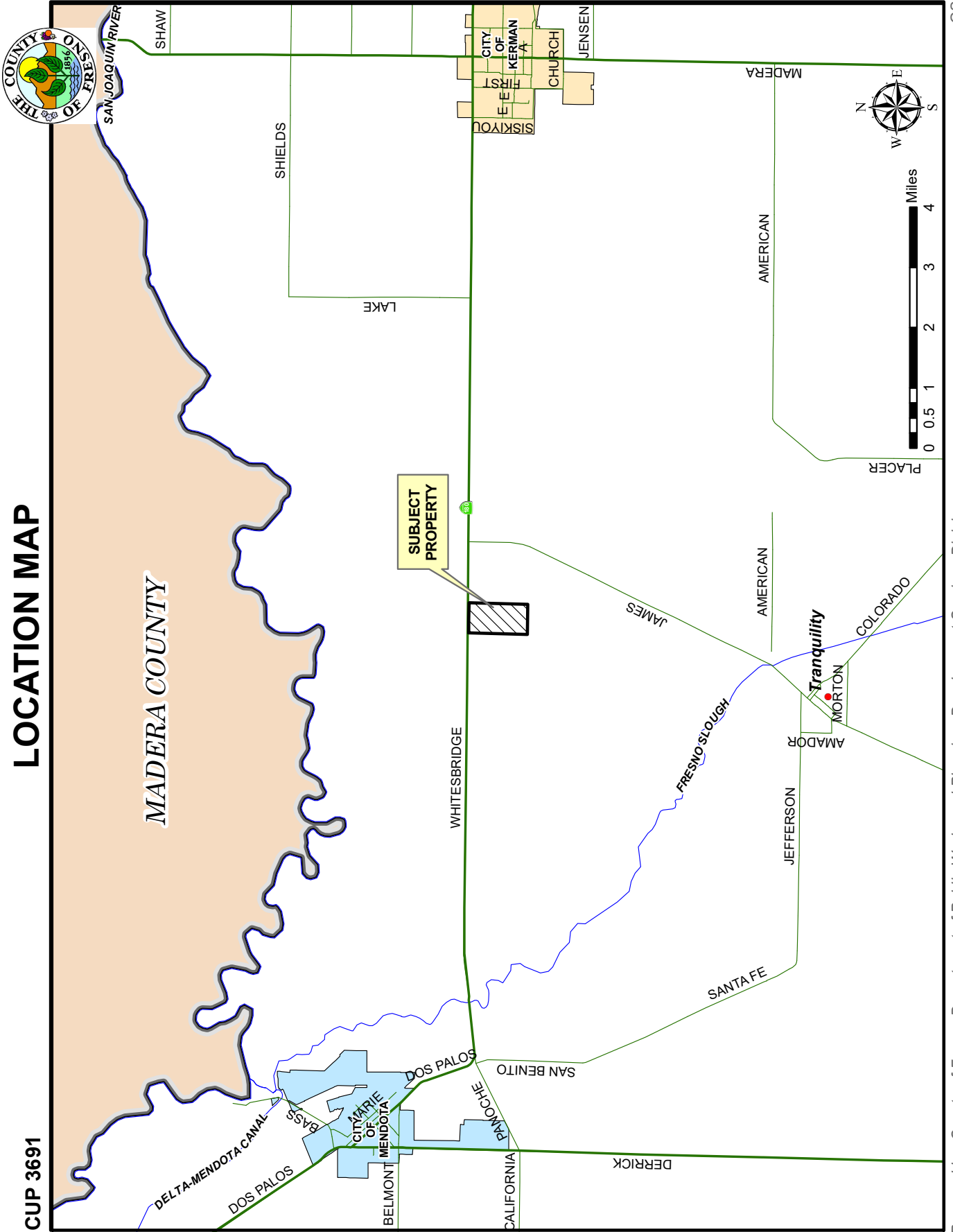
Notes	
	<p>and asphalt concrete paved or treated with dust palliative.</p> <ul style="list-style-type: none"> Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line of the length of the longest truck entering the site, and shall not swing outward. According to FEMA FIRM Panel 2050H, the northeasterly portion of the area of the subject property is within Special Flood Hazard Area, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any proposed structure and associated electrical equipment/electrical system components including manure storage and drying located in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt materials used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every structure proposed to be constructed within the Special Flood Hazard Area. If the proposed building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines may be required.
4.	The California Department of Transportation recommends site access through the existing driveway and not by any new point of access.
5.	<p>The Department of Public Health, Environmental Health Division provided the following comments:</p> <ul style="list-style-type: none"> 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.
6.	<p>The San Joaquin Valley Air Pollution Control District provided the following comments:</p> <ul style="list-style-type: none"> 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

Notes

	<p>emissions using best available control technology (BACT). This project will be subject to District Rule 2010 and Rule 2201 and will require District permits.</p> <ul style="list-style-type: none">• District Regulation VIII – Fugitive PM10 Prohibitions: The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.• The project may also be subject to the following District rules: Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
7.	<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 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.

TK
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LOCATION MAP

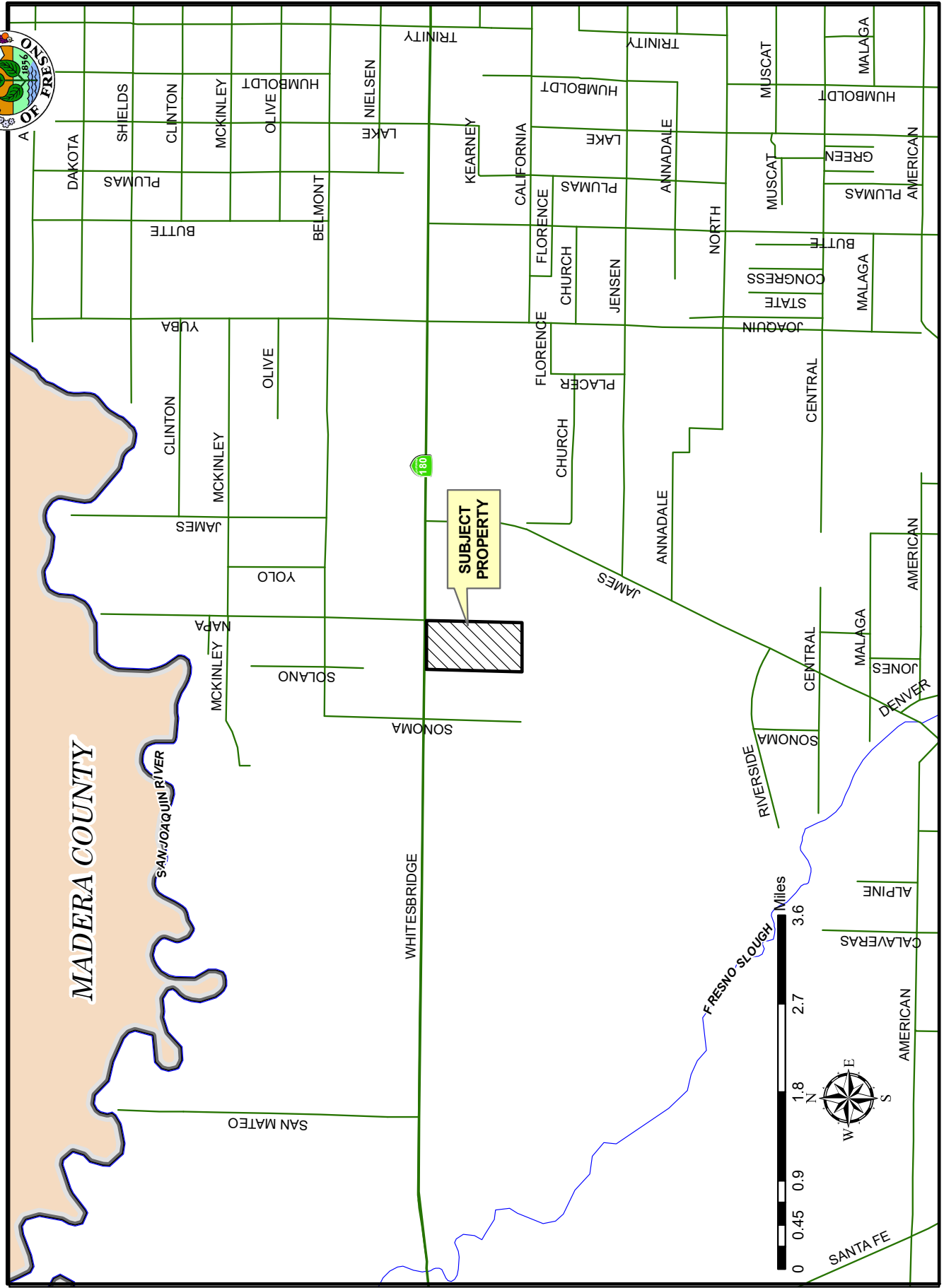


CUP 3691



LOCATION MAP

CUP 3691



KJ

CUP 3691
STR 9-14/16

EXISTING ZONING MAP

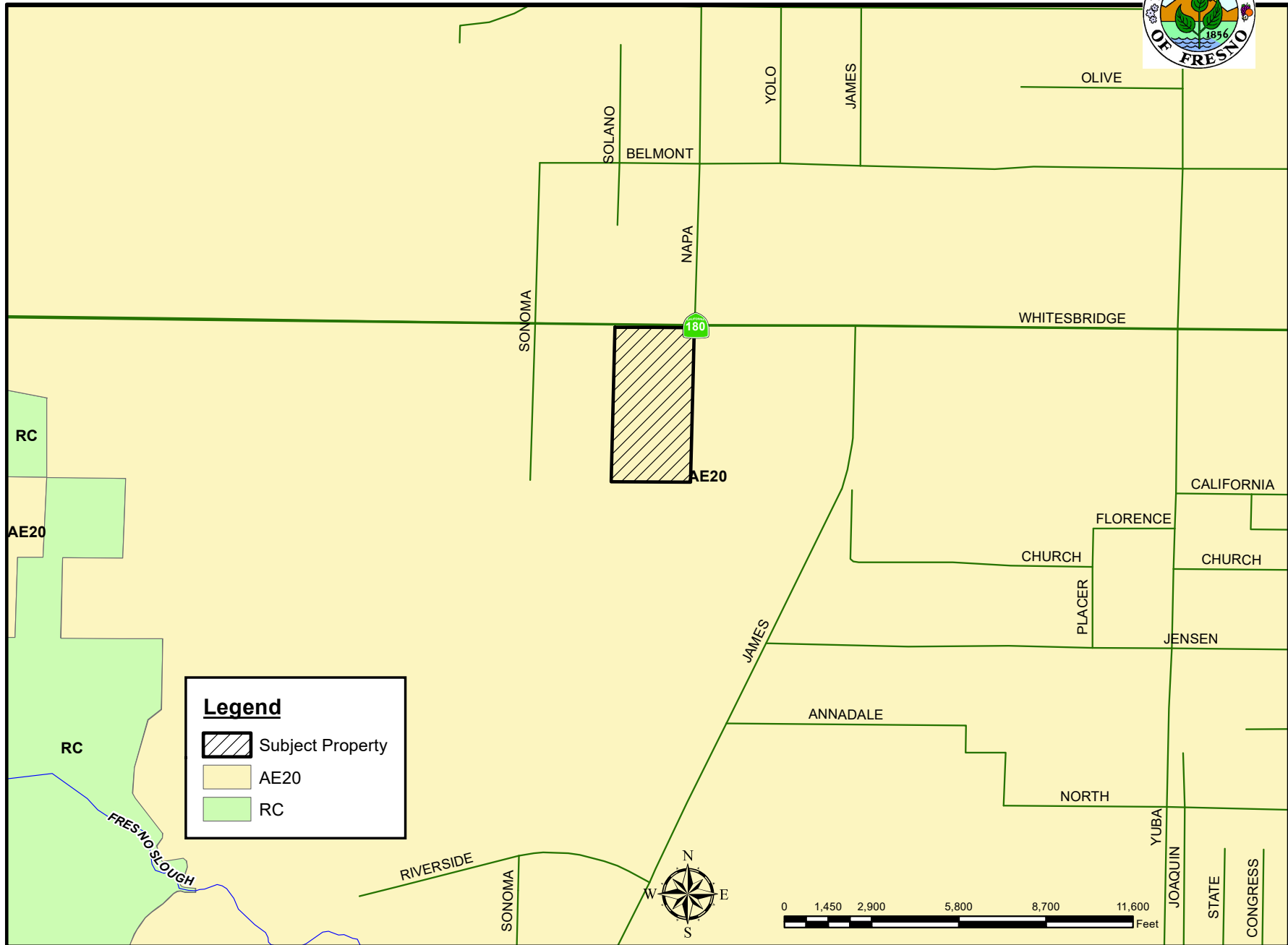
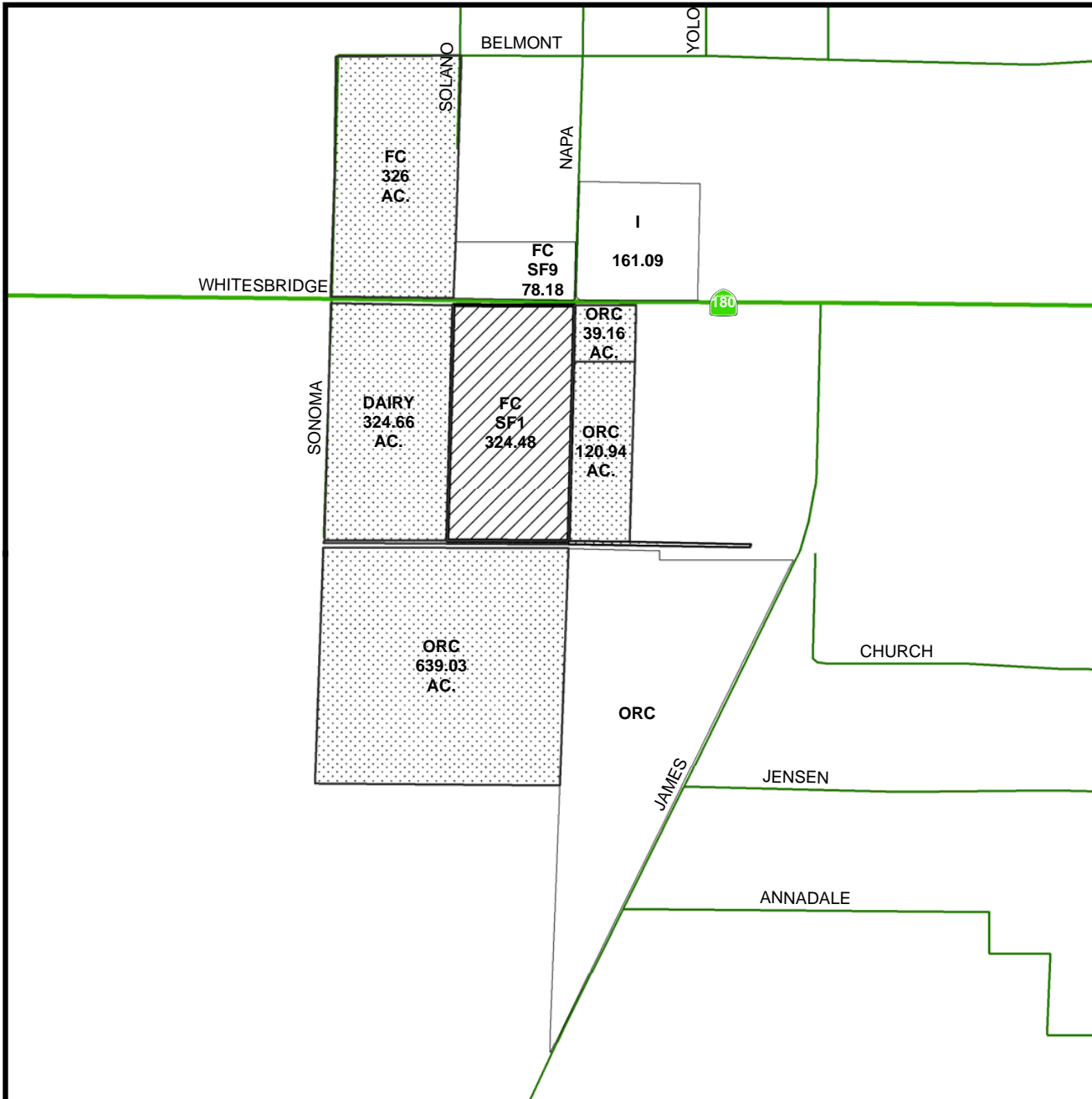


EXHIBIT 3

CUP 3691

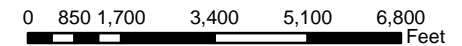
EXISTING LAND USE MAP



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

LEGEND:

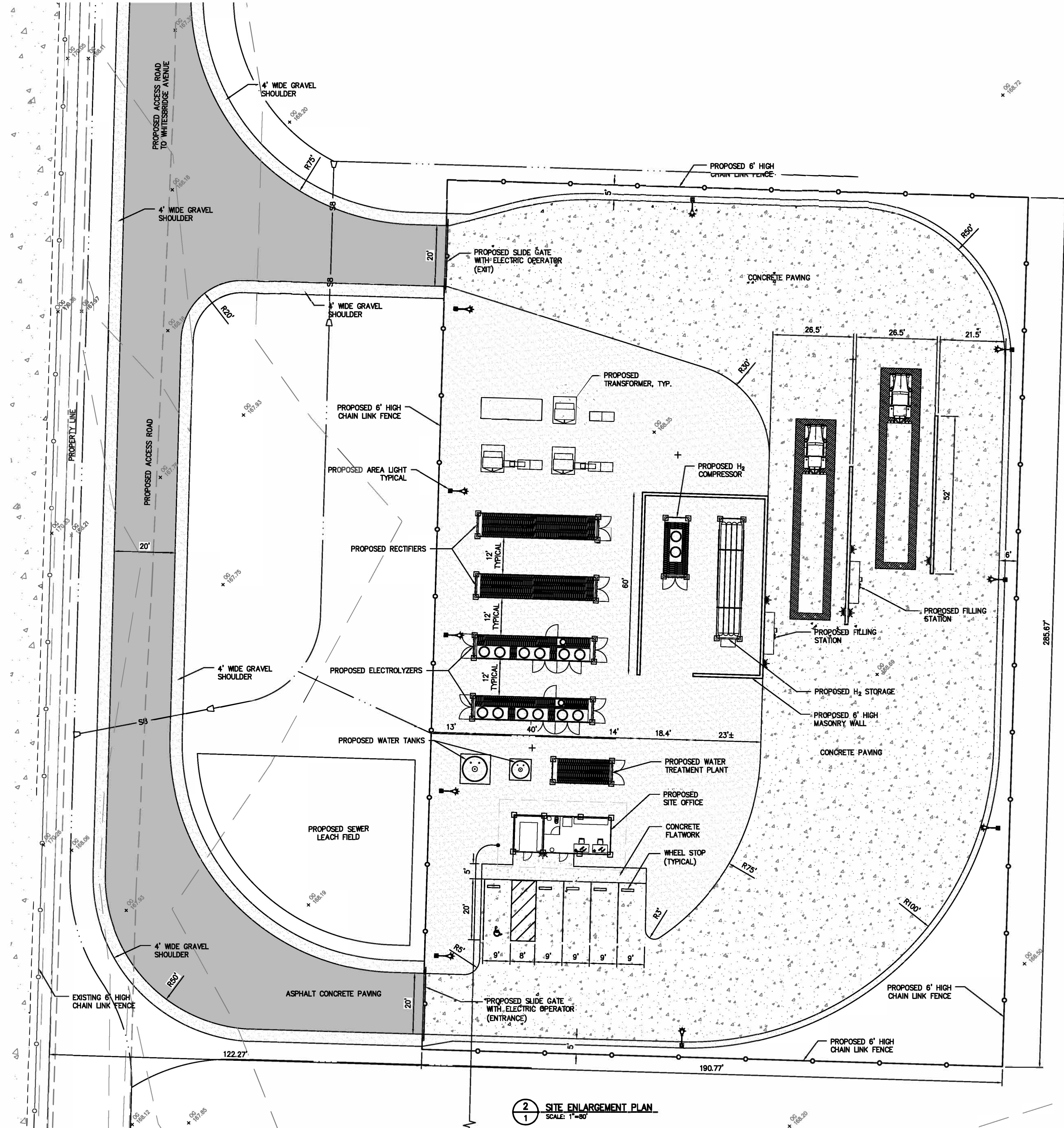
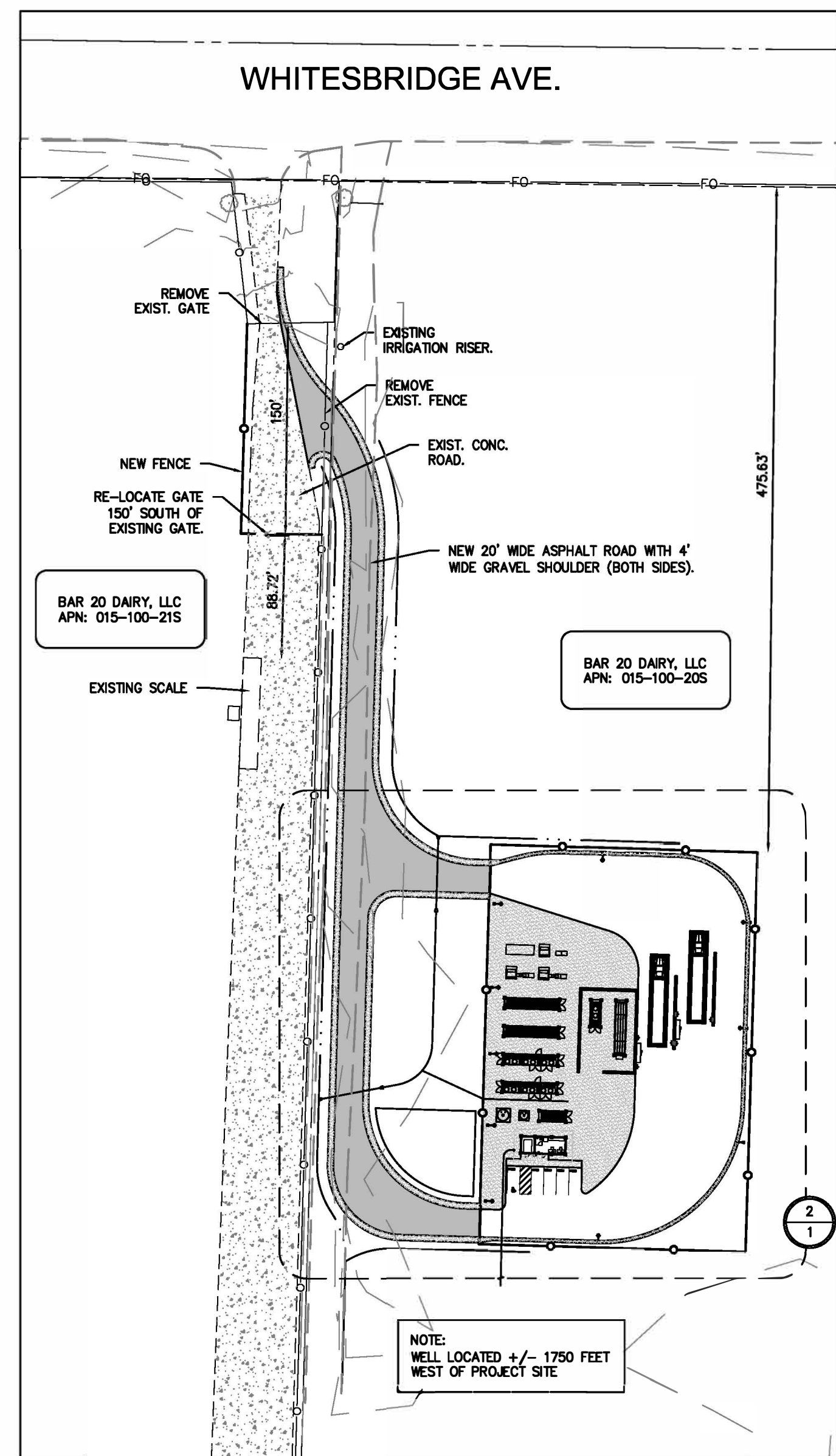
-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXHIBIT 5

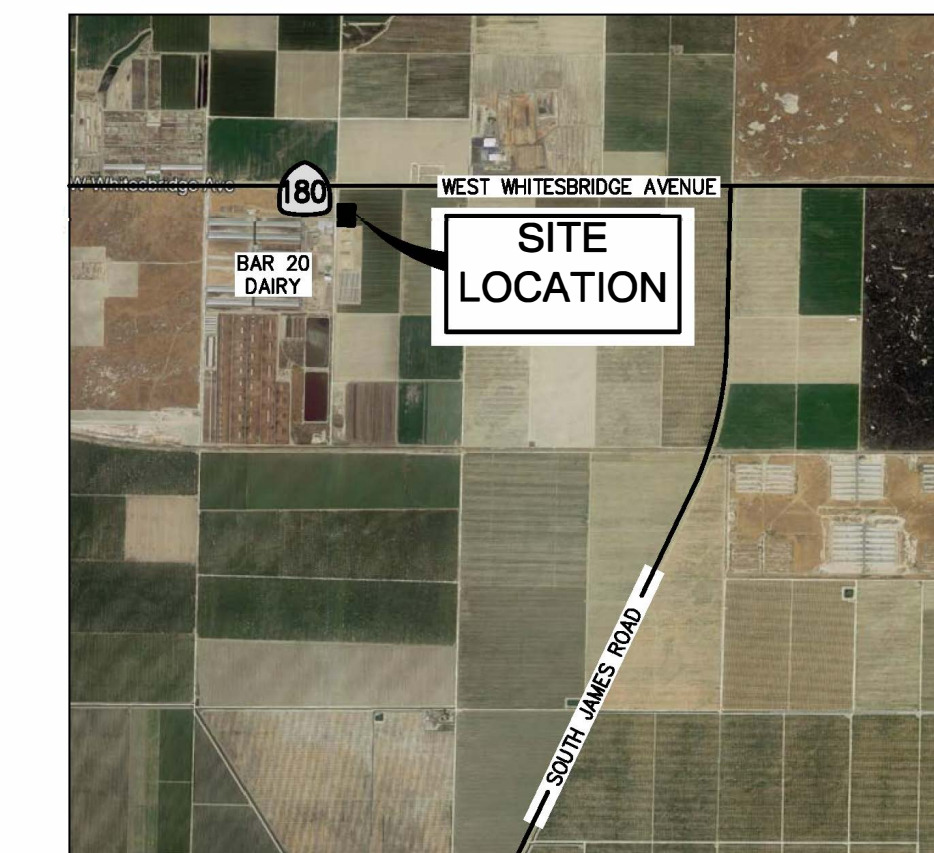
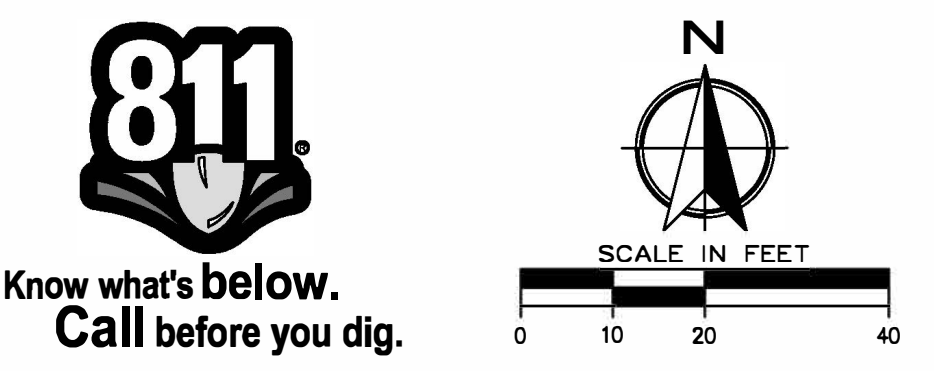
HYDROGEN GENERATION FACILITY COUNTY OF FRESNO, STATE OF CALIFORNIA



- SITE INFORMATION:**
1. SITE ADDRESS: 24387 W WHITESBRIDGE AVE, KERMAN, CA 93630 (BAR 20 DAIRY)
 2. APN: 015-100-205
 3. APPLICANT: H2B2 USA, LLC 1215 K STREET, SUITE 1700 SACRAMENTO, CA 93701
 4. RECORD OWNER: BAR 20 DAIRY, LLC 250 E. BELMONT AVENUE FRESNO, CA 93701
 5. TOTAL SITE AREA: 1.25± ACRES
 6. ZONING: AE20
 7. SETBACKS (AE20): FRONT - 35 FEET MIN. REAR - 20 FEET MIN. SIDE - 20 FEET MIN. BUILDING HEIGHT - 35 FEET MAX.
 7. THE EXISTING SITE IS CURRENTLY AN AG FIELD
 8. NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK.
 9. NO OBSERVABLE EVIDENCE TO INDICATE THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL
 10. NO PONDS, LAKES, SPRINGS OR RIVERS BORDER ON OR RUN THROUGH PROPERTY.
 11. THE PROPERTY SHOWN ON THIS MAP LIES WITHIN THE FLOOD HAZARD AREA DESIGNATED AS ZONE X. AREAS IN ZONE X ARE DETERMINED TO BE AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVES FROM 1% ANNUAL CHANCE FLOOD AS DELINEATED ON THE FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE RATE MAP NO. 06019C20504, DATED FEBRUARY 18, 2009.

LINETYPE LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	CENTERLINE
- - - - -	- - - - -	EASEMENT
---	---	PROPERTY LINE
- - - - -	- - - - -	RIGHT-OF-WAY
---	---	SECTION LINE
---	---	CHAIN LINK FENCE
---	---	EDGE OF PAVEMENT
---	---	MASONRY WALL
---	---	ASPHALT CONCRETE
---	---	CONCRETE

811
Know what's below.
Call before you dig.

SCALE IN FEET
0 10 20 40

GATEWAY
ENGINEERING & SURVEYING
CIVIL ENGINEERS & LAND SURVEYORS
P. 559.3411
405 PARK CREEK DRIVE, CLOVIS, CA 93811-4435

DATE: 11-16-2020

HYDROGEN GENERATION FACILITY
24387 WHITESBRIDGE ROAD
KERMAN, CA 93630
SITE PLAN

DATE	DESCRIPTION	REV. No.

ENGINEER:
LICENSE NO:
DRAWN BY: DKB
CHECKED BY:
SCALE: AS SHOWN
PROJECT NO: 20-063
SHEET 1 1

EXHIBIT 5

**Project Operational Statement
H2B2 USA, LLC**

March 25, 2021

Applicant: H2B2 USA, LLC
1215 K Street, Suite 1700
Sacramento, CA 95814

Record Owners: Bar 20 Dairy, LLC
250 E. Belmont Avenue
Fresno, CA 93701

24387 W. Whitesbridge Road
Kerman, CA 93630

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

Area: 1.25 acres +/-

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

Request: Approval of an Unclassified Conditional Use Permit to allow a renewable hydrogen generation facility fueled by dairy effluent in the AE-20 zone.

Background

California's greenhouse gas (GHG) emissions reduction targets are among the most ambitious in the world. In 2016 - four years early - the state achieved its 2020 target, requiring emissions to decrease to 1990 levels. Looking ahead at the beginning of a new decade, the state's climate goals only ramp up in ambition. California Senate Bill 32 became law in 2016, setting a 2030 target of reducing emissions 40 percent below 1990 levels. California's most recent inventory data shows emissions at 424 million metric tons (MMT) of carbon dioxide equivalent (CO₂e) in 2017. Hitting the 2030 reduction target means reducing emissions by an average of 13 MMT of CO₂e annually, or nearly double the annual rate of 7 MMT of CO₂.

California's agricultural sector contributed approximately eight percent of statewide GHG emissions in 2017, mainly from methane (CH₄) and nitrous oxide (N₂O) sources. Sources include enteric fermentation and manure management from livestock, crop production (fertilizer use, soil preparation and disturbance, and crop residue burning), and fuel combustion associated with stationary agricultural activities (water pumping, cooling or heating buildings, and processing commodities).

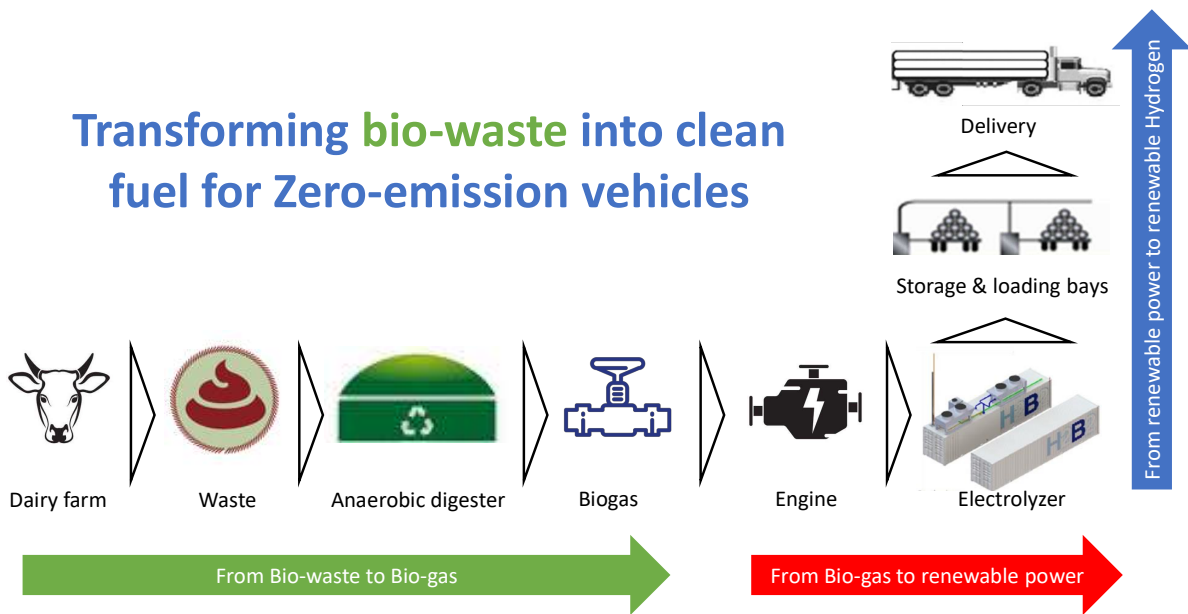
Livestock accounted for approximately 70 percent of agricultural emissions, which were generated primarily in the form of CH₄ from enteric fermentation and manure management. Dairy facilities are a major source of GHG emissions in California, accounting for roughly 60 percent of agricultural emissions. GHG emissions from dairy manure management and enteric fermentation followed an increasing trend between 2000 and 2007 as the industry expanded and remained relatively constant since 2007. In short, livestock are estimated to contribute roughly half of California’s methane emissions.

The Project is supported by a \$4,000,000 grant from the California Energy Commission (“CEC”) under its Clean Transportation Program (formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program).

The Project’s electrolyzer and supporting equipment will be powered by the capture of methane biogas that will generate up to 2,000 kg/day of 99.999% pure renewable hydrogen to supply California’s expanding network of light-duty hydrogen refueling stations.

1. Nature of the Operation

FIGURE 1

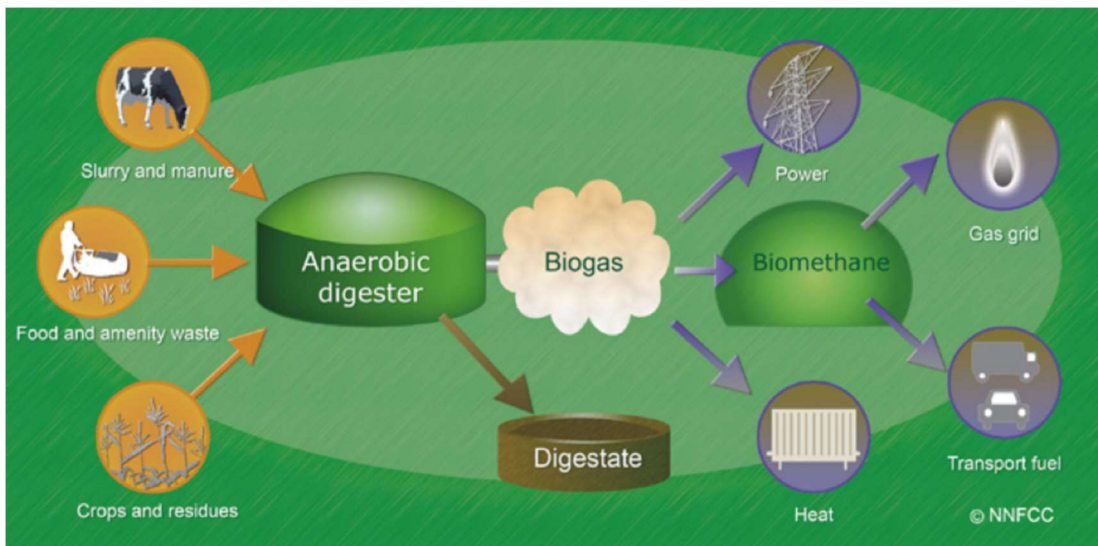


Operations will be sited on a 1.25 +/- acre portion of a 324.66 +/- acre parcel to be leased at the Bar 20 Dairy Farm west the City of Kerman. Applicant will construct, own and operate the proposed hydrogen generation facility utilizing patented PEM (polymer electronic membrane) technology.

The Project will receive bovine pretreated waste that has historically been collected at Bar 20 Dairy. Specifically, manure from the dairy will be flushed into collection areas on the Bar 20 Dairy site then piped to an anaerobic digester located on APN 015-100-21S immediately adjacent Bar 20 Dairy. The digester has been permitted and will be operated by Bar 20 in collaboration with California Bioenergy, LLC. with the applicant simply a purchaser of the Bar 20 Dairy biogas.

Through the process of anaerobic digestion, the digester produces biomethane (biogas) which consists of 60% methane, to an energy-rich fuel. Waste solids are separated before entering the digester. The waste product or *digestate* is an excellent soil amendment material. The digestate that will be produced each day will be used as fertilizer for Bar 20 Dairy crops and dairy cow bedding.

FIGURE 2



The applicant will convert biogas to electricity via an engine specifically designed to use biogas fuel capable of a high electrical efficiency, flexible operation and power outputs. This electricity will power applicant's electrolyzer and other Project components.

The electrolyzer will operate 24 hours/day, producing hydrogen from 100% renewable sources. Unlike solar or wind conversion, unique advantages of this process are (a) avoidance of intermittent power supply and (b) the ability to store the biogas in onsite containers and generate electricity at the most needed hours of the day.

The engine will be either be a Siemens 125 HP Model # PDC-13-2000/8000 (Figure 2), operating at 1750 RPM or an alternative engine with similar specifications specifically designed to use biogas fuel. Either engine will produce 480 volts of electricity and will be in an enclosed container with anchoring, venting, fire protection, and the like per building code requirements.

FIGURE 3



Existing distribution lines exist along St. Route 180 carrying typical electrical power into the site on poles illustrated on the Project site plan. This PG& E line will be supplemented to bring additional electrical capacity to the site that will be used to, among other things, maintain an uninterrupted supply of sufficient electricity to supplement the electricity produced by the anaerobic digestion. The same electrical power line route will be used so no new easements or disturbance of land will be necessary to serve the site.

An existing paved road on the Bar 20 Dairy immediately proximate to the proposed site will provide site access which is located approximately one-half mile south of Whitesbridge Road (Rt. 180) as shown in the enclosed Project Site Plan.

The PEM electrolyzer will access electricity from the on-site power generator, supplemented by renewable power from the grid to produce clean, renewable hydrogen and oxygen. An electrolyzer is illustrated below.

FIGURE 4



The Project's electrolyzer captures hydrogen and releases the oxygen byproduct into the atmosphere.

There is no discernable noise, glare, dust or odor produced by the operations. Also note the site is very remote with the closest residence being owned by the Bar 20 Dairy.

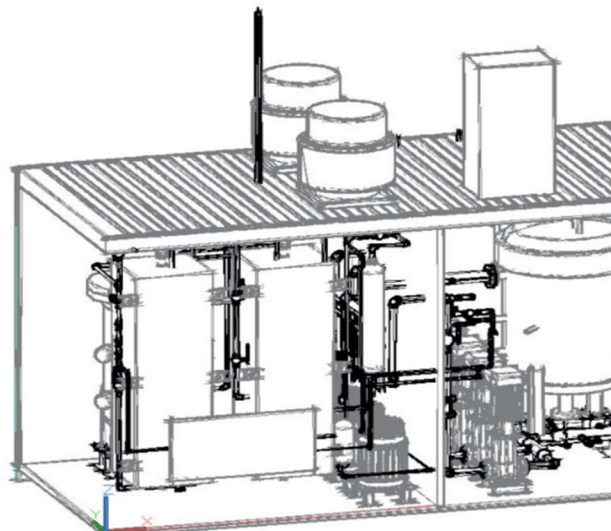
The electrolyzers and related equipment are delivered to the site and operated from 20- and 40-foot containers. Furthermore, the electrolyzer process produces no solid waste. Water used in the process has been processed so it is near drinking-water pure and will be released onto the land for Bar 20 Dairy crop irrigation, or re-purified for use in the PEM electrolyzer process. Compressed hydrogen is temporarily stored on-site in vessels prior to dispensing into tube trailers for delivery to hydrogen refueling stations in California's Central Valley. At full operation, it is expected that one-to-two specially built project tube trailers will be at the site daily.

FIGURE 5

Technology

There are **four technology strands** to the development of electrolyzers for hydrogen production:

- **Stack** technology (piling or stacking of membranes where the electrolysis process is performed).
- **Balance of Plant** or BoP (the equipment and auxiliary systems that allow the stack to function).
- **Integration** technology (of the stack with the BoP, electrolyzer with other plant components such as storage and compression, and plant with renewable energy facilities).
- The technology associated to the **O&M**.



The produced renewable hydrogen will be sold under long-term purchase agreements with California's hydrogen refueling station owners, to be used as fuel for the states' expanding fleet of fuel cell electric vehicles. Accordingly, no commercial/retail operations will be conducted on site. The hydrogen refueling stations will be designed, built and operated by others under their own separate land use and environmental permits.

The delivery of hydrogen will be under separate contract to qualified transportation companies independent of the Project that will meet all California Highway Patrol, Department of Transportation and the California Environmental Protection Agency regulations for the handling and transportation of the product.

2. Operational Time Limits

The Project will operate 24/7

3. Number of Customers/Visitors

The Project is not open to the public. Hydrogen transport deliveries will occur at a rate of one-to-two/day

4. Employees

H2B2 will employ from five to seven people during the construction phase. Once commissioned, a total of three persons will operate the plant, each serving one eight-hour shift. Accordingly, one person will be on site 24 hours/day. No employees will live on-site.

5. Service/Delivery Vehicles

No equipment maintenance will occur on site. Routine yard maintenance will keep all areas of the facility clean and free of debris. Once to twice per day, a tube trailer (essentially a flatbed Class 6 - Class 8 vehicle with compression tubes as depicted in the attached rendering) will arrive on site to accept dispensed hydrogen to be delivered to hydrogen refueling sites in the Central Valley.

As described above, the delivery of renewable hydrogen will be under separate contract to qualified transportation companies independent of the Project that will meet all California Highway Patrol, Department of Transportation and the California Environmental Protection Agency regulations for the handling and transportation of the product.

6. Site Access

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

7. Number of Parking Spaces for Employees

As illustrated on the project site plan, five paved spaces including one ADA compliant parking stall will be provided on site for employee parking adjacent to the operations. Also, two paved spaces for hydrogen delivery trucks will be provided.

8. Goods Sold on Site

No product is sold on site. Produced renewable hydrogen will be sold under long-term purchase agreements from the hydrogen refueling station owners. The delivery of hydrogen will be under contract for transport only.

9. Equipment Used

Project equipment requirements are:

- (i) a generator capable of using biogas produced through anaerobic digestion
- (ii) a PEM Electrolyzer assembled and integrated by H2B2 Electrolysis Technologies, packaged and shipped in 20- 40-foot containers.
- (iii) a compressor utilized to compress gaseous hydrogen to approximately 2,000 PSI.
- (iv) in-place compression tubes for temporary storage.
- (v) dispensers that transfer stored gaseous hydrogen to the tube trailers.

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

10. Supplies/Materials

Typical mechanical and office supplies will be stored on site. However, no hazardous materials will be stored onsite.

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

The site is within a larger 324.66+/- acre Bar 20 Dairy. The facility will occupy only 1.5 +/- acres of the Bar 20 Dairy. 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.

During night operations, outdoor security lighting will illuminate the 20- and 40-foot electrolysis containers, compressor and related support equipment. All lighting will be hooded in downward direction focusing on the Project.

The site roads and parking areas will be surfaced per Fresno County standards for all weather conditions.

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

The PEM electrolyzer produces no solid or liquid waste. It is estimated the Project will generate approximately one-half a cubic yard of waste per week of typical office/commercial materials such as paper, food wrappers, cardboard, etc. Waste generated by employees will be placed in appropriate 33-gallon capacity trash receptacles (separated by type of waste). It is estimated 8 cubic feet of waste will be generated per week. Said waste is disposed of in county mandated trash receptacles for removal by a private hauler to be identified.

The applicant is considering utilizing a certified mobile office that would include restroom facilities. The septic effluent disposal will be in accordance with LAMP requirements.

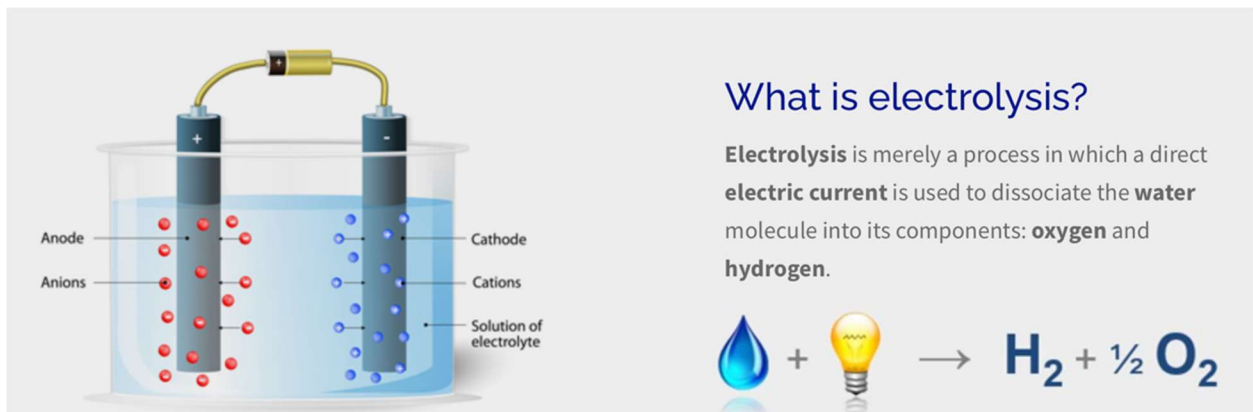
13. Estimated Volume of Water Used

From the stoichiometric (the conversion between one chemical and a different chemical) point of view, the Project requires 9 kg of water in the PEM stack to produce 1 kg of hydrogen (and 8 kg of oxygen).

At maximum capacity of 2,000 kg/day renewable hydrogen, the Project will need 18,000 kg of water or approximately 4,755 net gallons (1 kg = 0.264172503 gallons). However, since the water must be extremely pure and deionized water, the Project will have a gross usage of

between 6,340 and 7,925 gallons of water in the electrolyzer; 4,755 gallons are used in the stack, and 1,585 to 3,170 are “rejected”. These “rejected” gallons are near-drinkable water. The rejected water is not “contaminated” in any way as the electrolysis process simply extracts metals and adds nothing to the water. This water will be used for crop irrigation.

FIGURE 6



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

No new buildings are proposed or required. All equipment is encased in self-fulfilling containers.

16. Building/Proportion of Buildings Used in the Operation

No buildings will be used or built. The entire plant is contained in 20- and 40-foot containers. Please see the attached site plan and related site pictures.

17. Outdoor Lighting or Sound Amplification

During night operation, outdoor lighting will illuminate electrolysis, compression, storage and dispensing components of the Project. All lighting will be downward hooded fixtures. The project will also utilize security cameras covering the facility 24/7.

18. Landscaping/Fencing

No landscaping is proposed for the project. Fencing will surround the plant as depicted in the project rendering and site plan.

19. Other Information Providing Clear Understanding of the Project Operations

Surface drainage and runoff control:

Site and drainage will occur in accordance with County of Fresno requirements.

Employee Training:

Employee training logs are retained corresponding to assigned equipment. The Project 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:

Fuel consumed to power the PEM electrolyzer is generated on site. No external sources of fuel are required

Safety equipment:

The Project will comply with all applicable design, construction, operational and safety standards, among other things, the Nation Fire Protection Association NFPA2 requirements specific to hydrogen. The Project will comply with all NFPA2 Code which regulates:

- Storage of hydrogen in bulk and non-bulk quantities
- Dispensing and fueling of hydrogen for vehicles and vehicle servicing and repair
- Systems for fuel cell power and generation, such as backup power systems using polymer electrolyte membrane (PEM) fuel cells and forklifts
- Applications involving combustion processes and special atmospheres, including electrolytic production of hydrogen.

As stated earlier, the Project will comply with all California Highway Patrol, Department of Transportation and California Environmental Protection Agency requirements.

Safety equipment is available to all personnel.

By contract with the California Energy Commission, the Project is required to develop an approved Safety Plan for review by the Hydrogen Safety Council, Chaired by Nick Barilo of Pacific Northwest National Laboratory and approved by the California Energy Commission.

Per the applicant's meeting with the Fresno County Fire Marshall, a fire protection plan is currently being orchestrated.

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 Co-CEOs: James M. Corboy and Javier Brey. There is no independent Board of Directors.

Emergency Contact List

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

ATTACHMENTS

Project Site Plan

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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 NEPAAssist 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.

TK

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EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7943	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): H2B2 USA, LLC.	Project Title: Unclassified Conditional Use Permit Application No. 3691		
Project 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.			
Justification for Negative Declaration: 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.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 9, 2021		Review Date Deadline: Planning Commission – May 20, 2021	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**