

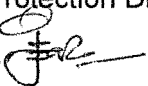


County of Fresno

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

DATE: September 13, 2024

TO: Department of Public Works and Planning, Attn: Steven E. White, Director
Department of Public Works and Planning, Attn: Bernard Jimenez,
Planning and Resource Management Officer
Development Services and Capital Projects, Attn: William M. Kettler,
Deputy Director of Planning
Development Services and Capital Projects, Attn: Chris Motta,
Division Manager
Development Services and Capital Projects, Attn: Tawanda Mtunga
Principal Planner
Development Services and Capital Projects, Current Planning, Attn: David Randall,
Senior Planner
Development Services and Capital Projects, Policy Planning, ALCC, Attn:
Mohammad Khorsand, Senior Planner
Development Services and Capital Projects, Zoning & Permit Review, Attn:
Daniel Gutierrez, Senior Planner
Development Services and Capital Projects, Site Plan Review, Attn:
James Anders
Development Services and Capital Projects, Building & Safety/Plan Check, Attn:
Arnold Valdivia, Supervising Building Inspector
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping
Road Maintenance and Operations, Attn: Wendy Nakagawa
Design Division, Transportation Planning Unit, Attn: Hector Luna
Water and Natural Resources Division, Attn: Roy Jimenez
Department of Public Health, Environmental Health Division, Attn: Kevin Tsuda
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),
Attn: PIC Supervisor
Consolidated Irrigation District; Attn: Phil Desatoff
CA Regional Water Quality Control Board, Attn:
centralvalleyfresno@waterboards.ca.gov
Nisei Farmers League, Attn: Manuel Cunha, Jr.
Fresno County Fire Protection District; Attn: FKU.Prevention-Planning@fire.ca.gov

FROM: Ejaz Ahmad, Planner 
Development Services and Capital Projects Division

SUBJECT: Initial Study No. 8116; Unclassified Conditional Use Permit Application No. 3718
(MODIFICATION)

APPLICANT: Apache Energy Storage 1, LLC

DUE DATE: September 27, 2024

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to modify Mitigation Measure No 2 for approved CUP No. 3718 by changing operational term from 20 years to 35 years to allow for adequate construction and operational time. The project site is located on the northeast corner of E. Jenson Avenue and S. McCall Avenue approximately 1.25 miles west of the City of Sanger (APN 314-080-36) (SUP. DIST. 5). **Note: Information related to the approved CUP 3718 is attached for reference purposes.**

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by September 27, 2024. Any comments received after this date may not be used.

If you do not have comments, please provide a “NO COMMENT” response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Ejaz Ahmad, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4204 or email eahmad@fresnocountyca.gov.

EA

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Activity Code (Internal Review): 2384

Enclosures



Fresno County Department of Public Works and Planning

CUP 3718
(Modified)
(Application No.)

MAILING ADDRESS:
Department of Public Works and Planning
Development Services Division
2220 Tulare St., 6th Floor
Fresno, Ca. 93721

LOCATION:
Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497
Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type) _____
- Amendment Application Director Review and Approval
- Amendment to Text for 2nd Residence
- Conditional Use Permit Determination of Merger
- Variance (Class)/Minor Variance Agreements
- Site Plan Review/Occupancy Permit ALCC/RLCC
- No Shoot/Dog Leash Law Boundary Other _____
- General Plan Amendment/Specific Plan/SP Amendment)
- Time Extension for _____

DESCRIPTION OF PROPOSED USE OR REQUEST:

We wish to modify Mitigation Condition #2 from CUP 3718 that states an operational term of 20 years. We wish to change the operational term to 35 years in order to allow for adequate construction and operational time.

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. **Attach Copy of Deed, including Legal Description.**

LOCATION OF PROPERTY: North side of E Jensen Ave
between S McCall Ave and S Dockery Ave
Street address: 10018 E Jensen Ave, Sanger, CA 93657

APN: 314-080-36 Parcel size: 37.56 Section(s)-Twp/Rg: S 853 - T B.14 S/R 816.5 E

ADDITIONAL APN(s): _____

I, William Perego (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type)	Address	City	Zip	Phone
Apache Energy Storage 1, LLC	55 Technology Dr Suite 102	Lowell, MA	01851	978-995-3054
Applicant (Print or Type)	Address	City	Zip	Phone
William Perego	55 Technology Dr Suite 102	Lowell, MA	01851	978-995-3054
Representative (Print or Type)	Address	City	Zip	Phone

CONTACT EMAIL:

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

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(PRINT FOR

Application Type / No.: CUP 3718 (Modified) Fee: \$ 4,839.29
 Application Type / No.: _____ Fee: \$ _____
 Application Type / No.: _____ Fee: \$ _____
 Application Type / No.: _____ Fee: \$ _____
 PER/Initial Study No.: _____ Fee: \$ _____
 Ag Department Review: _____ Fee: \$ _____
 Health Department Review: _____ Fee: \$ _____
 Received By: EJGZ Invoice No.: _____ **TOTAL: \$ 4,839.29**

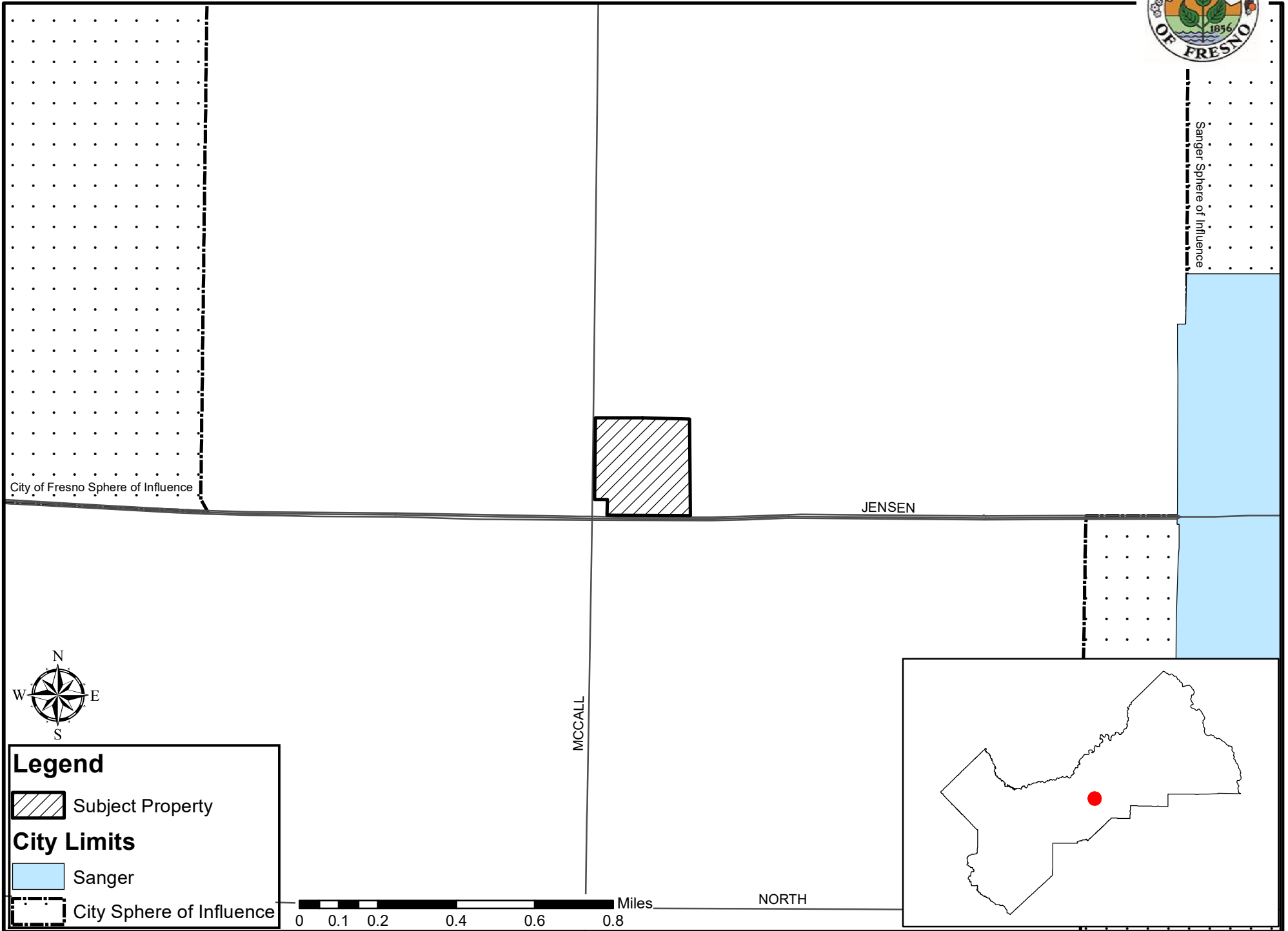
STAFF DETERMINATION: This permit is sought under Ordinance Section:

Related Application(s): CUP 3718

Zone District: _____

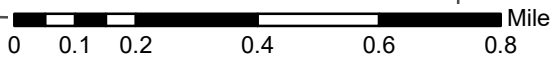
Parcel Size: _____

LOCATION MAP



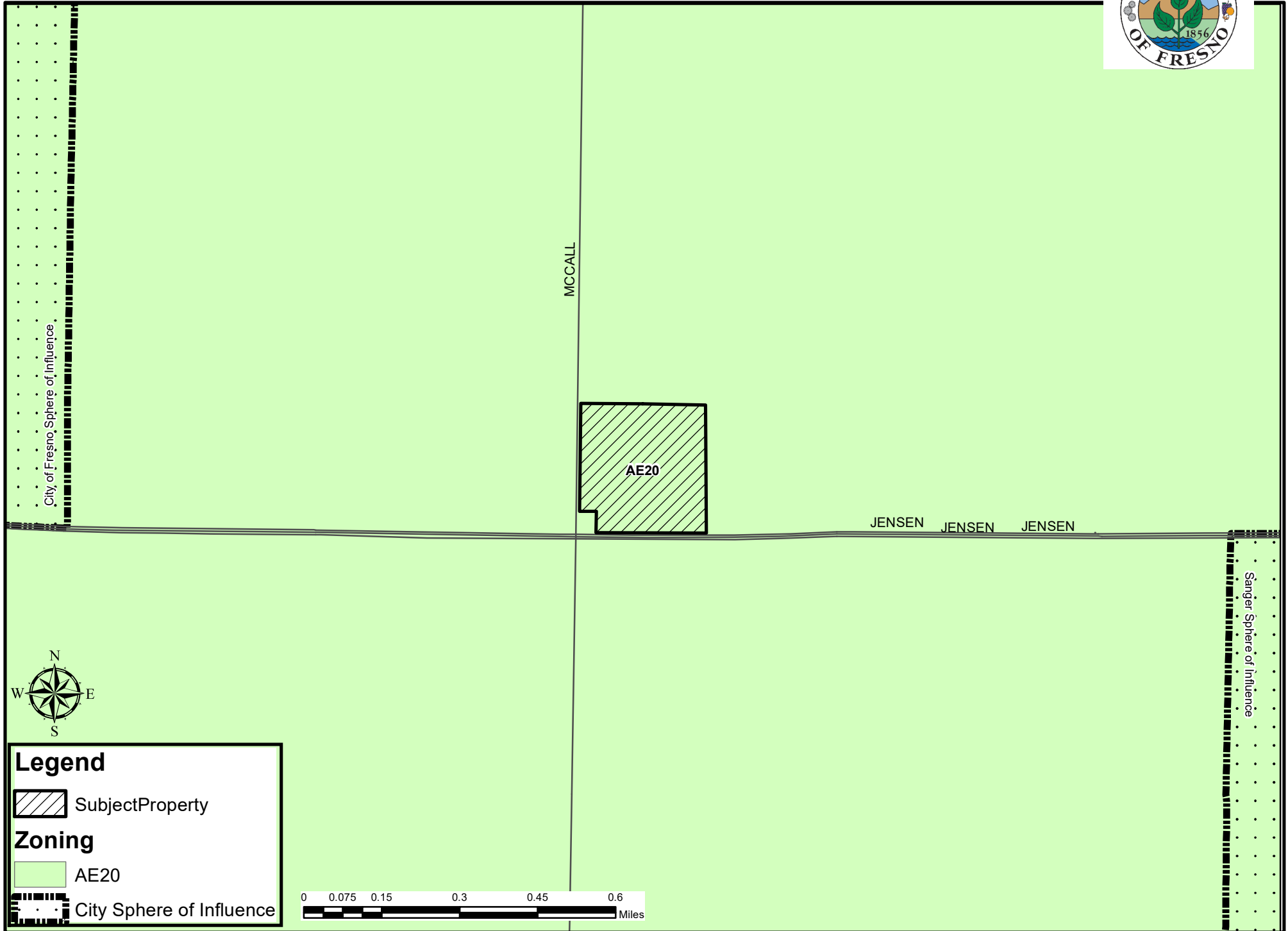
Legend

- Subject Property
- City Limits**
- Sanger
- City Sphere of Influence




NORTH


EXISTING ZONING MAP




Legend

 SubjectProperty

Zoning

 AE20

 City Sphere of Influence

EXISTING LAND USE MAP

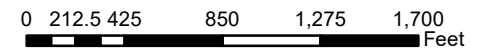


LEGEND

- C# - COMMERCIAL
- FC - FIELD CROP
- ORC - ORCHARD
- SF#- SINGLE FAMILY RESIDENCE
- V - VACANT

LEGEND:

- Subject Property
- Ag Contract Land



Apache Energy Storage 1, LLC Project Description

CUP 3718

(MODIFICATION)

1. **Nature of Operation:**

Apache Energy Storage 1, LLC (Applicant) a wholly-owned subsidiary of New Leaf Energy, Inc is proposing to develop and construct a battery energy storage system (BESS) adjacent to the PG&E Sanger substation at 10018 E Jensen Ave (APN #314-080-36), approximately 2 miles west of Sanger. The parent parcel is a 34-acre tract of land which is not under Williamson Act. The parcel is zoned *AE20 Exclusive Agricultural*. The project is being developed to add reliability to the California electric grid and help meet the November 2019 CPUC decision requiring capacity additions to the CAISO system.

In addition, the BESS will have interconnection equipment including transformers and the system will be completely enclosed within a 7-foot-high perimeter fence. Interconnection to the PG&E substation will also require a 115kV transmission pole for the overhead wires crossing S McCall Ave. The project area is estimated to be approximately 11.30 acres.

On May 18, 2023, Conditional Use Permit No. 3718 was approved by the Planning Commission. The Applicant requests to modify Mitigation Condition #2 from an operational term of 20 years to 35 years in order to allow for adequate construction and operational time.

2. **Operational Time Limits:**

The BESS will operate continuously for the expected project operational term of 35 years. Typical operation of the system will include charging from the grid during the day and discharging during peak electric demand at night. At the property lines, the BESS will produce negligible sound and the system will have minimal lighting for safety at night.

3. **Number of Customers or Visitors:**

After completion of construction activities which are expected to take 6-12 months, the BESS will operate unstaffed.

4. **Number of Employees:**

The system will be monitored remotely, and regular operations and maintenance will be conducted approximately quarterly by service personnel estimated to be 1-2 persons.

5. **Service and Delivery Vehicles:**

Quarterly service will be conducted using 1 vehicle.

6. **Access to the Site:**

Both during the construction and operation, access to the site will be via a gravel access road.

Number of parking spaces for employees, customers, and service/delivery vehicles:

There will be adequate area on the property for vehicle parking and equipment staging during construction and operational phases.

7. Are any goods to be sold on-site?

No goods are to be sold on-site.

8. What equipment is used?

The project will consist of lithium-ion battery energy storage units, with associated equipment (inverters, transformers, etc). The project will also house a project substation to step up the voltage onsite that consists of a main transformer and other associated equipment. There will be overhead 115kV Gen-tie line that spans across S McCall Ave from the project to the existing adjacent substation.

9. What supplies or materials are used and how are they stored?

No supplies are required to be stored on site.

10. Does the use cause an unsightly appearance?

The BESS appearance is in keeping with the character of the adjacent PG&E electrical substation and will not cause an unsightly appearance.

11. List any solid or liquid wastes to be produced.

Once built, the BESS will not utilize any water, produce any waste, or require any other public utilities.

12. Estimated volume of water to be used (gallons per day).

No water is anticipated to be used during operations.

13. Describe any proposed advertising including size, appearance, and placement.

No advertising will be present other than the required placards on the system as required by the National Electric Code and markings identifying the equipment manufacturer and system owner.

14. Will existing buildings be used or will new buildings be constructed?

The BESS will consist of lithium-ion based battery modules housed in purpose-built metal enclosures, with integrated power conversion equipment and fire suppression systems.

15. Explain which buildings or what portion of buildings will be used in the operation.

Regular operations and maintenance will be conducted quarterly on the constructed BESS systems.

16. Will any outdoor lighting or an outdoor sound amplification system be used?

Outdoor light will be used during construction, but no outdoor lighting will exist during normal operations.

17. Landscaping or fencing proposed?

The BESS will be completely enclosed within a 7-foot high perimeter fence.

18. Any other information that will provide a clear understanding of the project or operation.

In addition, the BESS will have interconnection equipment including transformers. Interconnection to the PG&E substation will also require a 115kV transmission pole for the overhead wires crossing S McCall Ave.

19. Identify all Owners, Officers and/or Board Members for each application.

Owners, applicants, and representatives will be listed on the signed application forms.



Inter Office Memo

DATE: May 18, 2023
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: Resolution No. 12993 - Initial Study No. 8116 and Unclassified Conditional Use Permit Application No. 3718

APPLICANT Apache Energy Storage 1, LLC

OWNER: Craig Richard Constance

REQUEST: Allow the construction, operation, and ultimate decommissioning of a battery energy storage system consisting of lithium-ion based battery modules housed in purpose-built metal enclosures with integrated power conversion equipment, fire suppression system, transformer and 115kV transmission poles for the overhead wires crossing McCall Avenue for interconnection to nearby PG&E Sanger substation. The project will be located on an approximately 11.3-acre portion of a 37.56-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of S. McCall and E. Jensen Avenues approximately 1.26 miles west of the nearest city limits of the City of Sanger (APN: 314-080-36) (10018 E. Jensen Avenue) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of May 18, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Zante and seconded by Commissioner Arabian to adopt the Mitigated Negative Declaration for the project, based on the Initial Study No. 8116, adopt the recommended Findings as described in the staff report, and approve Unclassified Conditional Use Permit No. 3718 subject to the Conditions listed in Exhibit B.

The motion passed on the following vote:

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

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

By: 

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

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

Attachments

Initial Study No. 8116
Unclassified Use Permit Application No. 3718

Staff: The Fresno County Planning Commission considered the Staff Report dated May 18, 2023 and heard a summary presentation by staff.

Applicant: The Applicant and his representatives concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:

- The project is a stand-alone system attached directly to a PG&E sub-station and will provide additional resiliency to the local grid by making part of the grid less receptive to rolling blackouts.
- The battery system will charge from the grid during daytime hours and discharge during peak electric demand at night.
- To minimize fire hazards, the system is insulated, and equipped with integrated fire protection systems and venting valves for gas release; additionally, we put on fire training for local emergency response agencies.
- We are required to maintain a 98-percent capacity factor as part of power purchase agreement.
- The project will provide 50 full-time jobs during construction and five full-time jobs during operation and will generate tax revenue for the County of Fresno.
- We have executed a commitment letter for the project with a labor union for construction of the project.
- More projects like ours are coming online; 3,000 megawatts systems are already operational and additional 10,000 to 12,000 megawatts systems are expected to be operational by 2030.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8116
Unclassified Conditional Use Permit Application No. 3718**

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 as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
*2.	Agricultural and Forestry Resources	A covenant shall be signed between the Applicant/property owner and the County of Fresno and shall run with the land requiring the site to be restored to agricultural uses at the cessation of 20 years of battery energy storage system.	Applicant	Applicant/PWP	Prior to issuance of building permits
*3.	Agricultural and Forestry Resources	Prior to the County of Fresno's issuance of the grading or any development permit, the project developer must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement will require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement or other form of security	Applicant	Applicant/PWP	Prior to issuance of grading and building permits

EXHIBIT B

Mitigation Measures					
		acceptable at the discretion of the Board of Supervisors. The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive restoring the site to a viable agricultural use. (e.g., access roads, electrical lines, O&M building).			
*4.	Agricultural and Forestry Resources	The project shall substantially adhere to the provisions in the Draft Reclamation Plan as submitted to the Planning Commission and prepared for the decommissioning of the facility when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final Site Plan and improvements. The draft Reclamation Plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning prior to the issuance of any development permits.	Applicant	PWP – Verified by Current Planning	Prior to issuance of building permits
*5.	Agricultural and Forestry Resources	The Reclamation Plan shall be revised to provide for an annual increase in costs tied to the Engineering News-Record construction cost index, or other mechanism acceptable to the	Applicant	PWP – Verified by Current Planning	Prior to implementation of

Mitigation Measures					
		Fresno County Department of Public Works and Planning			Reclamation Plan
*6.	Agricultural and Forestry Resources	The project operator, throughout the life of the project operation, shall keep the project site free of rodent's infestation in accordance with the Pest Management Plan prepared for the project by New Leaf Energy dated February 23, 2023.	Applicant	PWP – Site Inspection	On-going; for duration of the project
*7.	Agricultural and Forestry Resources	The project operator, throughout the life of the project operation, shall keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard in accordance with the Pest Management Plan prepared for the project by New Leaf Energy dated February 23, 2023.	Applicant	PWP – Site Inspection	On-going; for duration of the project
*8.	Biological Resources	<p>To protect nesting Swainson's Hawk, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to hawk.</p> <p>a. To the extent practicable, construction shall be scheduled to avoid the Swainson's Hawk nesting season, which extends from March through August.</p> <p>b. If it is not possible to schedule construction between September and February, a qualified biologist shall conduct surveys for Swainson's Hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (SWHTAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SWTAC 2000, Appendix D). These methods require six surveys, three in each of the two survey periods, prior to project initiation. Surveys</p>	Applicant	PWP – Verified by Current Planning and California Fish and Wildlife (CDFW)	Prior to the issuance of building permits

Mitigation Measures					
		<p>shall be conducted within a minimum 0.5-mile radius around the project site. However, the survey radius shall be extended up to 10 miles from the project site to identify the nearest nest, which will determine the habitat mitigation ratio (see Mitigation Measure c. below). The California Department of Fish and Wildlife (CDFW) shall be consulted if an active nest is found within 0.5 miles of the Project site.</p> <p>c. Compensate for loss of Swainson's Hawk foraging habitat in accordance with the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (<i>Buteo Swainsoni</i>) in the Central Valley of California (CDFG 1994, Appendix E). Per CDFW, projects adversely affecting Swainson's Hawk foraging habitat provide Habitat Management (HM) Lands to the department. Projects within 1 mile of an active nest shall provide one acre of HM lands for each acre of development authorized (1:1 ratio). Projects within 5 miles of an active nest but greater than 1 mile from the nest shall provide 0.75 acres of HM lands for each acre of urban development authorized (0.75:1 ratio). And projects within 10 miles of an active nest but greater than 5 miles from an active nest shall provide 0.5 acres of HM lands for each acre of urban development authorized (0.5:1 ratio).</p>			
*9.	Biological Resources	To protect Burrowing Owl, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to burrowing owl.	Applicant	PWP – Verified by Current Planning and CDFW	Prior to the issuance of building permits

Mitigation Measures					
		<p>a. To conduct focused Burrowing Owl surveys to assess the presence/absence of Burrowing Owl in accordance with guidelines in the California Department of Fish and Wildlife's (CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012).</p> <p>b. If a Burrowing Owl or sign of Burrowing Owl use (e.g., feathers, guano, pellets) is detected on or within 500 feet of the project site, and the qualified biologist determines that project activities would disrupt the owl(s), a construction-free buffer, limited operating period, or passive relocation shall be implemented in consultation with the CDFW.</p>			
*10.	Biological Resources	<p>To protect nesting birds, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to burrowing owl.</p> <p>a. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.</p> <p>b. If is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during project construction. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests and within 100 feet for</p>	Applicant	PWP – Verified by Current Planning and CDFW	Prior to the issuance of building permits

Mitigation Measures					
		nests of all other birds. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.			
*11.	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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	During ground disturbance
Conditions of Approval					
1.	Development of the property shall be substantially in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage, and lighting.				

Conditions of Approval	
3.	<p>The McCall Avenue fronting the project site has an existing right-of-way of 30 feet east of section line. McCall Avenue is classified as an Arterial requiring an ultimate road right of way of 53 feet east of the section line. Prior to issuance of any development permits, the owner of the property shall record a document irrevocably offering the 23 feet as future right-of-way from the west side of the subject parcel which abuts McCall Avenue.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>
4.	Prior to issuance of development or building permits, a Traffic Management Plan (TMP) shall be prepared for the project to address potential impacts during the construction phase of the project and be provided for approval to the Transportation Planning Unit (TPU) of the Department of Public Works and Planning.
5.	Any private utility crossings shall be overhead with poles placed on private property 10 feet outside County Road right-of-way.
6.	Due to Arterial classification of McCall Ave, access points along the parcel frontage shall be limited to one.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	All constructed improvements shall submit plans and to obtain necessary permits and inspections. All constructed improvements shall comply with the adopted Building and Fire Codes, and County of Fresno Ordinances in force at time of permit application. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	To address site development impacts resulting from the project, the Road Maintenance and Operations (RMO) Division of the Development Services and Capital Projects Division requires the following:

Notes	
	<ul style="list-style-type: none"> • Proposed drive approach off McCall Avenue shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3. • Proposed drive approach/access road shall be paved or treated with a dust palliative for the first 100 feet from EP on McCall Avenue to prevent tracking of dust onto the road. • Any entrance gates must be set back a minimum of 20 feet from the road right-of-way, or the length of the longest vehicle entering the site, to eliminate the vehicles from idling in the road when stopped to open the gate. Gate shall not swing outward. • Any setbacks for new construction required by AE-20 Zone District shall be based on 106 feet ultimate road right-of-way for McCall Avenue. • Any work performed within the County Road right-of-way shall require an encroachment permit.
4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. • Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County Road right-of-way, and must be retained on-site, per County Standards • A grading permit or voucher may be required for any grading proposed with this application. • A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work. • If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Jensen Avenue or McCall Avenue.
5.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p>

Notes	
	<ul style="list-style-type: none"> • Facilities that 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. • The project will handle hazardous materials and/or hazardous waste and shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • Should a sewage disposal system be proposed, it shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning • If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be applied for and secured from the Health Department. • All water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor. • The project shall adhere to the County noise ordinance for construction-related noise.
6.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (CalFire) conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of two sets of plans to CalFire. Also, the project shall annex into Community Facilities District No. 2010-01 of FCFPD.
7.	An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County Road right-of-way and for the construction of the proposed driveway approaches to Brawley Avenue.
8.	<p>To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888. The following District Rules shall apply to the project:</p> <ul style="list-style-type: none"> • District Regulation VIII (Fugitive PM10 Prohibition) • District Rules 2010 (Permit Required) and 2201 (New and Modified Stationary Source Review) • District Rule 9510 (Indirect Source Review)

Notes

- District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)
- District Rule 4601 (Architectural Coatings)
- District Regulation VIII (Fugitive PM10 Prohibitions)
- District Rule 4102 (Nuisance)
- District Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations.
- Filing of Air Impact Assessment (AIA) Application.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 May 18, 2023

SUBJECT: Unclassified Conditional Use Permit Application No. 3718 and Initial Study No. 8116

Allow the construction, operation, and ultimate decommissioning of a battery energy storage system consisting of lithium-ion based battery modules housed in purpose-built metal enclosures with integrated power conversion equipment, fire suppression system, transformer and 115kV transmission poles for the overhead wires crossing McCall Avenue for interconnection to nearby PG&E Sanger substation. The project will be located on an approximately 11.3-acre portion of a 37.56-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of S. McCall and E. Jensen Avenues approximately 1.26 miles west of the nearest city limits of the City of Sanger (APN: 314-080-36) (10018 E. Jensen Avenue) (Sup. Dist. 4).

OWNER: Craig Richard Constance

APPLICANT: Apache Energy Storage 1, LLC

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8116; and
- Approve Unclassified Conditional Use Permit No. 3718 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 Plan and Elevation
6. Project Description and Operational Statement
7. Response to Solar Facility Guidelines
8. Summary of Initial Study No. 8116
9. Proposed Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural 20-acre minimum parcel size)	No change
Parcel Size	37.56 acres	No change
Project Site	See below	See below
Structural Improvements	Convenience store (Jensen Market)	A battery energy storage system (BESS) consisting of lithium-ion based battery modules housed in purpose-built metal enclosures with integrated power conversion equipment, fire suppression system, transformer and transmission line connecting BESS to PG&E Sanger substation.
Nearest Residence	Approximately 292 northwest the project boundary	No change.
Surrounding Development	Farmland with sparse residential development	No change.
Operational Features	N/A	Per the Applicant's Operational Statement, the proposed BESS will:

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • Operate continuously on a term of 20 years. • Charge from the grid during day and discharge during peak electric demand at night. • Be monitored remotely and maintained quarterly by service personnel.
Employees	N/A	The BESS will operate unmanned.
Customers or Visitors	None	No customer onsite
Traffic Trips	N/A	Minimal traffic trips associated with construction and/or operation of BESS.
Lighting	N/A	Outdoor lighting during construction. Minimal lighting for safety at night.
Hours of Operation	N/A	As needed.

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8116 was prepared for the project 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 is appropriate. A summary of the Initial Study is included as Exhibit 8.

A Notice of Intent to adopt a Mitigated Negative Declaration was published on March 31, 2023

PUBLIC NOTICE:

Notices were sent to 34 property owners within 2640 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No comments were received either for or against this application at the time of this report.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if five findings that are 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:

The subject proposal would allow a battery energy storage system (BESS) on a 11.3-acre portion of a 37.56-acre parcel identified by Assessor’s Parcel No. 314-080-36 located near PG&E’s Sanger substation at the northwest corner of Jensen and McCall Avenues. The BESS would add reliability to the California electric grid and help meet the California Public Utility Commission’s (CPUC) decision requiring 11,500 megawatts of new capacity additions to the California Independent System Operator system.

The proposed BESS will consist of lithium-ion based battery modules housed in purpose-built metal enclosures, with integrated power conversion equipment and fire suppression systems enclosed by a 7-foot-tall perimeter fence. The BESS interconnection to the PG&E substation would require 115kV transmission poles for the overhead wires crossing McCall Avenue. Typical operation will include charging from the grid during the day and discharging during peak electric demand at night.

The BESS will provide storage capacity of 200 megawatts and will operate for the expected project operational term of 20 years after which time all onsite improvements will be dismantled and removed from the site, and the site will be restored to its pre-project conditions for farming operations.

The 37.56-acre project site has been agriculture/vacant land since 1937. It is worth noting that a 2,000 square-foot convenient store (Jensen Market) sits on an approximately one (1)-acre parcel next to a 37.56-acre parcel. This parcel is identified by Assessor’s Parcel No. 314-080-37 and is located at the southwest corner of McCall and Jensen Avenues. According to County Records, and a Grand Deed provided by the applicant dated May 17, 1957, the one-acre parcel and a 37.56-acre parcel are under common ownership and are determined to be a single legal parcel with two Assessor’s parcel Numbers provided for tax purposes.

The Initial Study (IS) No. 8116 (Exhibit 8) prepared for the project and circulated to State Clearinghouse for a 30-day review by public agencies. During this review period, the California Department of Fish & Wildlife provided a letter expressing concerns with the project’s impact on sensitive biological resources and suggested mitigation measures to reduce the impact to a less than significant level. Similar mitigation measures were recommended in a *Biological Resource Evaluation* report prepared for the project by *Colibri Ecological Consulting, LLC*. These mitigation measures have been incorporated in Exhibit 8 under **Section IV, BIOLOGICAL RESOURCES** of this staff report.

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 Development Standard Front: 35 feet	<ul style="list-style-type: none"> Front (McCall Ave; West property line): 58 feet (Minimum) 	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Side: 20 feet Street Side: 35 feet Rear: 20 feet	<ul style="list-style-type: none"> • Side (North property line): more than 20 feet • Side (South property line): more than 35 feet • Rear (East property line): 20 feet 	
Parking	Two (2) square feet of off-street parking area for each one (1) square foot of retail floor space, or fraction thereof	None required	Yes
Lot Coverage	No Requirement	No change	N/A
Separation Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.	N/A	N/A
Wall Requirements	A fence or a wall shall be constructed along the perimeter of all areas considered to be dangerous to the public health and safety.	Seven-foot-tall chain link fencing around the project area.	N/A
Septic Replacement Area	100 percent	Requires no septic system	N/A
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	Requires no water well	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning:
The subject 37.56-acre parcel identified by APN 314-080-36 and a one-acre parcel identified by APN: 314-080-37 are under common ownership and are determined to be a single legal parcel.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

Staff review of the Site Plan demonstrates that 37.53-acre parcel is adequate in size and shape to accommodate 11.3-acre proposed BESS. The project will exceed the minimum setback requirements of the AE Zone District as noted in the table above. Additionally, there is adequate area onsite to accommodate any parking needed for facility maintenance crew.

Recommended Conditions of Approval:

Development shall be in accord with submitted Site Plan and Operational Statement and shall require a separate Site Plan Review application. (See Exhibit 1, Conditions 1 & 2).

Finding 1 Conclusion:

Finding 1 can be made. Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposed development.

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
Public Road Frontage	Yes	<ul style="list-style-type: none">• McCall Avenue: Fair• Jensen Avenue: Fair	No change
Direct Access to Public Road	Yes	<ul style="list-style-type: none">• McCall Avenue: fair condition	No change
Road ADT (Average Daily Traffic)		<ul style="list-style-type: none">• 6300 (McCall Avenue)• 6800 (Jensen Avenue)	No change
Road Classification		<ul style="list-style-type: none">• Arterial (McCall Avenue)• Expressway (Jensen Avenue)	No change
Road Width		<ul style="list-style-type: none">• 60 feet existing for McCall Ave (Required: 106 feet)• 106 feet existing for Jensen Avenue	An additional 23-foot right-of-way east of section line required for McCall Avenue. No additional right-of-way required for Jensen Avenue
Road Surface		<ul style="list-style-type: none">• McCall Avenue: Asphalt concrete paved; pavement width: 32 feet• Jensen Avenue: Asphalt concrete paved; pavement width: 66.6 feet	No change No change

		Existing Conditions	Proposed Operation
Traffic Trips		N/A	No change
Traffic Impact Study (TIS) Prepared	Yes	N/A	The proposed BESS will generate minimal traffic and require no Traffic Impact Study (TIS). A Traffic Management Plan (TMP) will be required to address traffic impact during construction of the project.
Road Improvements Required		McCall Avenue; Fair Jensen Avenue; Fair	No improvements required

Reviewing Agency/Department Comments:

Transportation Planning Unit (TPU) of the Department of Public Works and Planning:
A Traffic Management Plan (TMP) shall be prepared for the project to address potential impacts during the construction phase of the project. The TMP shall be required and be approved prior to the issuance of building permits. This requirement has been included as a Condition of Approval.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning:
McCall Avenue is classified as an Arterial with an existing prescriptive road right-of-way of 60 feet. Per the Fresno County General Plan, the ultimate right-of-way for McCall Avenue is 106 feet. An additional 23-foot right-of-way is required along parcel frontage for McCall Avenue. Any private utility crossings shall be overhead with poles placed on private property 10 feet outside County Road right-of-way. Due to Arterial classification of McCall Avenue, access points along the parcel frontage shall be limited to one. These requirements have been included as Conditions of Approval.

Any work performed within the County Road right-of-way will require an encroachment permit. This has been included as a Project Note.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

The project site borders with McCall Avenue and Jensen Avenue. The proposed battery energy storage system (BESS) will gain access from McCall Avenue which is designated as an Arterial in the Circulation Element of the Fresno County General Plan with an existing right-of-way (ROW) of 30 feet east of the section line along the parcel frontage. The ultimate right-of-way for McCall Avenue east of section line is 53 feet. An additional 23 feet of right-of-way from the west side of the subject parcel will be required.

Jensen Avenue is an Expressway with an existing right-of-way of 53 feet north of the section line along the parcel frontage. No additional ROW is required for Jensen Avenue.

The Transportation Planning Unit (TPU) of the Department of Public Works and Planning has determined that the daily traffic generated by the project is expected to be minimal and therefore a Traffic Impact Study (TIS) was not warranted. However, in lieu of TIS, the TPU has required a Traffic Management Plan (TMP) to address potential traffic impacts during construction of the project. This requirement will be met prior to the issuance of building permits.

Recommended Conditions of Approval:

Traffic Management Plan, Irrevocable offer of Dedication of Rights-of Way, Overhead Utility Crossing, and limit of point of Access on McCall. (See Exhibit 1, Conditions 3-6).

Finding 2 Conclusion:

Based on the above information, staff believes McCall Avenue and Jensen Avenue will remain adequate in width and pavement to accommodate the traffic generated by the project. 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	20 acres 60 acres	Orchard with single-family residences	AE-20	774 feet
South	37.68 acres	Vineyard with a single-family residence	AE-20	254 feet
East	19.4 acres	Vineyard with a single-family residence	AE-20	160 feet
West	4.58 acres 15.7 acres	PG&E Sanger substation	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division:

Facilities that 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. The project will handle hazardous materials and/or hazardous waste and shall require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. Removal of any underground storage tank(s) found during construction shall require an Underground Storage Tank Removal Permit from Health Department. All abandoned water wells and/or septic systems within the project area shall be properly destroyed by a licensed contractor.

Development Engineering Section of the Department of Public Works and Planning:

An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely

impacting adjacent properties and be retained on-site per County standards. A grading permit or voucher may be required for any grading proposed with this application.

Building and Safety Section (BSS) of the Fresno County Department of Public Works and Planning: The proposed BESS shall submit construction plans and obtain building permits and inspections. All improvements shall comply with the adopted Building and Fire Codes, and County of Fresno Ordinances in force at time of permit application.

Fresno County Fire Protection District (FCFPD):

The project shall comply with California Code of Regulations Title 24 – Fire Code. Construction plans shall be submitted to the County prior to receiving NCFPD conditions of approval for the project.

San Joaquin Valley Air Pollution Control District:

The project shall be subject to the following regulatory requirements: District Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources); District Rule 9510 (Indirect Source Review); District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants); District Rule 4601 (Architectural Coatings); District Regulation VIII (Fugitive PM10 Prohibitions); District Rule 4102 (Nuisance) and District Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The above-noted requirements have been included as Project Notes.

Finding 3 Analysis:

The proposed battery energy storage system (BESS) would allow battery modules housed in 12-foot-high metal enclosures with integrated power conversion equipment and fire suppression systems. The entire development will be enclosed within a 7-foot-high perimeter fencing. The proposed 55-foot-tall transmission poles will carry 115kv wires from BESS across McCall Avenue to the west and connect to the PG&E Sanger substation located at the northwest corner of McCall and Jensen Avenues.

The project site is undeveloped and has been farmed on and off since 1937. The project area is comprised of agricultural fields with sparse residential development. Given the landscape of the area, low height battery modules enclosed by perimeter fencing, and the proposed wire transmission pole being comparable in height to electric poles in the area would not significantly change the visual characteristics of the neighborhood.

An Initial Study prepared for this project has identified potential impacts to aesthetics, agricultural and forestry resources, and cultural resources. To mitigate impact to aesthetics, all outdoor lighting will be hooded and be directed downward to avoid glare on adjoining properties. To mitigate impact to agricultural and forestry resource, the project site will be kept free of weeds and rodents during 20-year project life and the project will adhere to the reclamation plan for the dismantling of BESS and restoring the site for farming. To mitigate impact to cultural resources, any artifacts uncovered during construction will require all work to be stopped, and a qualified archeologist to be contacted to evaluate the finds.

Potential impacts related to air quality, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation are less than significant. The project's construction and operation emissions would be lower than the SJVAPCD air emissions significance thresholds. The project will adhere to the requirements of the California Health and

Safety Code and the California Code of Regulations; require removal of any underground storage tank(s) found during construction, require destruction of all abandoned water wells and/or septic systems on the property by a licensed contractor; adhere to Fresno County Noise Ordinance; comply with the California Code of Regulations Title 24 – Fire Code; and dedicate additional right of way for McCall Avenue.

These requirements have been included as Mitigation Measures, Conditions of Approval and Project Notes (See Exhibit 1) and will be addressed through Site Plan Review required as a Condition of Approval for the project. The Site Plan Review will also address design of site access, grading and drainage, road right-of-way dedication, fire protection, signage, and lighting.

Pursuant to Assembly Bill (AB) 52, the project was routed to Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. None of the tribes requested for consultation. However, the Table Mountain Rancheria (TMR), requested to be informed in the unlikely event that cultural resources are identified on the site. This request has been addressed by a Mitigation Measure included in the CULTURAL ANALYSIS section of Exhibit 8 and stipulated by Mitigation Measure No.11.

Recommended Conditions of Approval:

See Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1.

Finding 3 Conclusion:

Finding 3 can be made based on the above information above and with adherence to the Mitigation Measures, Conditions of Approval, and Project Notes (Exhibit 1), staff believes that the proposal will not adversely affect the surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.1: <i>The County shall maintain agriculturally designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.</i></p>	<p>The project impact on prime farmland will be for a limited time. At the end of 20-years of operation, the battery energy storage system (BESS) will be dismantled, removed from the site, and the site restored to prior agricultural use. Being an unmanned facility, the project requires no sewer, water, or storm drainage from a city or an unincorporated community.</p>
<p>General Plan Policy LU-A.12: <i>The County shall seek to protect agricultural activities from encroachment of incompatible land uses.</i></p> <p>General Plan Policy LU-A. 13: <i>The County shall protect agricultural operations from conflicts with</i></p>	<p>The proposed BESS is an allowed use on farmland with the approval of a discretionary land use application; will temporarily convert farmland into a non-agricultural use; will be secured by a perimeter fencing and provide a fifty foot buffer from adjacent farming operations; will adhere to mitigation measures to keep the site free of weed and</p>

Relevant Policies:	Consistency/Considerations:
<p><i>non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</i></p> <p>General Plan Policy LU-A.14: <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</i></p>	<p>rodents' infestation and restore it for farming operations once the use ceases.</p>
<p>General Plan Policy OS-L.3: <i>The County shall manage the use of land adjacent to scenic drives and scenic highways based on the following principles: ...</i></p> <p><i>d. Intensive land development proposals including, but not limited to, subdivisions of more than four lots, commercial developments, and mobile home parks shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way. Modification of the setback requirement may be appropriate.</i></p>	<p>The proposed BESS will be more than 500 feet north of Jensen Avenue outside of a 200-foot scenic setback required for Jensen Avenue.</p>

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning:

The subject property is designated Agriculture in the County General Plan. The Policy Planning Section noted the General Plan Policies listed in the table above,

Policy LU-A.1 requires urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available. Policy LU-A. 12, Policy LU-A.13 and Policy LU-A.14 requires protection of agricultural activities from encroachment of incompatible land uses, buffer between agricultural and non-agricultural uses; and protection of the conversion of productive agricultural land with mitigation measures. Policy OS-L.3 requires maintenance of natural open space area two hundred (200) feet in depth parallel to the road right-of-way. They note that the 37.56-acre parcel is classified as Prime Farmland, and question if it is consistent with the General Plan policies LU-A.1 and LU-A.12.

Finding 4 Analysis:

The project meets General Plan Policies as discussed in Relevant Policies and Consistency/ Consideration table above.

Regarding consistency with Policy LU-A. 1 and LU-A.12, at the end of 20-years the battery energy storage system (BESS) will be dismantled, removed from the site, and the site restored to farming operations. Due to this finite limited time for the project and the relatively small acreage, the project does not pose a significant materially impact to the interests of agriculture in the area.

Regarding consistency with Policy LU-A.13 and Policy LU-A.14, the proposed BESS is an allowed use on farmland with discretionary land use application. The project includes perimeter fencing to separate the use from adjacent farming operations, will adhere to mitigation measures for keeping the site free from weed and rodent infestation, and restoring it to farming operations after BESS ceases its operation in 20 years. Regarding consistency with Policy OS-L.3, the BESS will be more than 500 feet from Jensen Avenue outside of the required 200 feet scenic setback along Jensen Avenue.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made based on the above information, and with adherence to Mitigation Measures, the project is consistent with the General Plan policies.

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

Reviewing Agency/Department Comments:

Refer to Reviewing Agency/Department Comments in Finding 3 of this report.

Finding 5 Analysis:

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

Recommended Conditions of Approval:

See Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1

Finding 5 Conclusion:

Finding 5 can be made based on the above information, staff believes that the public health, safety, and general welfare can be protected through the Conditions of Approval recommended for this project.

SUMMARY CONCLUSION:

Staff believes that the proposal to allow the proposed battery energy storage system (BESS) in the RR Zone District is consistent with the Fresno County General Plan and will have less than significant impacts on the surrounding properties.

SUMMARY RECOMMENDATION:

Based on the factors cited in the analysis, all the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends adoption of the proposed Mitigated Negative Declaration prepared for the project based on Initial Study No. 8116, and approval of Unclassified Conditional Use Permit Application No. 3718, subject to Mitigation Measures and Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8116; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3718, 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 No. 3718; and
- Direct the Secretary to prepare a resolution documenting the Commission’s action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 8116
Unclassified Conditional Use Permit Application No. 3718**

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 as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
*2.	Agricultural and Forestry Resources	A covenant shall be signed between the Applicant/property owner and the County of Fresno and shall run with the land requiring the site to be restored to agricultural uses at the cessation of 20 years of battery energy storage system.	Applicant	Applicant/PWP	Prior to issuance of building permits
*3.	Agricultural and Forestry Resources	Prior to the County of Fresno's issuance of the grading or any development permit, the project developer must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement will require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement or other form of security	Applicant	Applicant/PWP	Prior to issuance of grading and building permits

EXHIBIT 1

		acceptable at the discretion of the Board of Supervisors. The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive restoring the site to a viable agricultural use. (e.g., access roads, electrical lines, O&M building).			
*4.	Agricultural and Forestry Resources	The project shall substantially adhere to the provisions in the Draft Reclamation Plan as submitted to the Planning Commission and prepared for the decommissioning of the facility when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final Site Plan and improvements. The draft Reclamation Plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning prior to the issuance of any development permits.	Applicant	PWP – Verified by Current Planning	Prior to issuance of building permits
*5.	Agricultural and Forestry Resources	The Reclamation Plan shall be revised to provide for an annual increase in costs tied to the Engineering News-Record construction cost index, or other mechanism acceptable to the Fresno County Department of Public Works and Planning	Applicant	PWP – Verified by Current Planning	Prior to implementation of Reclamation Plan

*6.	Agricultural and Forestry Resources	The project operator, throughout the life of the project operation, shall keep the project site free of rodent's infestation in accordance with the Pest Management Plan prepared for the project by New Leaf Energy dated February 23, 2023.	Applicant	PWP – Site Inspection	On-going; for duration of the project
*7.	Agricultural and Forestry Resources	The project operator, throughout the life of the project operation, shall keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard in accordance with the Pest Management Plan prepared for the project by New Leaf Energy dated February 23, 2023.	Applicant	PWP – Site Inspection	On-going; for duration of the project
*8.	Biological Resources	<p>To protect nesting Swainson's Hawk, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to hawk.</p> <p>a. To the extent practicable, construction shall be scheduled to avoid the Swainson's Hawk nesting season, which extends from March through August.</p> <p>b. If it is not possible to schedule construction between September and February, a qualified biologist shall conduct surveys for Swainson's Hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (SWHTAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SWTAC 2000, Appendix D). These methods require six surveys, three in each of the two survey periods, prior to project initiation. Surveys shall be conducted within a minimum 0.5-mile radius around the project site. However, the survey radius shall be extended up to 10 miles from the project site to identify the nearest</p>	Applicant	PWP – Verified by Current Planning and California Fish and Wildlife (CDFW)	Prior to the issuance of building permits

		<p>nest, which will determine the habitat mitigation ratio (see Mitigation Measure c. below). The California Department of Fish and Wildlife (CDFW) shall be consulted if an active nest is found within 0.5 miles of the Project site.</p> <p>c. Compensate for loss of Swainson's Hawk foraging habitat in accordance with the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (<i>Buteo Swainsoni</i>) in the Central Valley of California (CDFG 1994, Appendix E). Per CDFW, projects adversely affecting Swainson's Hawk foraging habitat provide Habitat Management (HM) Lands to the department. Projects within 1 mile of an active nest shall provide one acre of HM lands for each acre of development authorized (1:1 ratio). Projects within 5 miles of an active nest but greater than 1 mile from the nest shall provide 0.75 acres of HM lands for each acre of urban development authorized (0.75:1 ratio). And projects within 10 miles of an active nest but greater than 5 miles from an active nest shall provide 0.5 acres of HM lands for each acre of urban development authorized (0.5:1 ratio).</p>			
*9.	Biological Resources	<p>To protect Burrowing Owl, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to burrowing owl.</p> <p>a. To conduct focused Burrowing Owl surveys to assess the presence/absence of Burrowing Owl in accordance with guidelines in the California Department of Fish and Wildlife's (CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012).</p>	Applicant	PWP – Verified by Current Planning and CDFW	Prior to the issuance of building permits

		<p>b. If a Burrowing Owl or sign of Burrowing Owl use (e.g., feathers, guano, pellets) is detected on or within 500 feet of the project site, and the qualified biologist determines that project activities would disrupt the owl(s), a construction-free buffer, limited operating period, or passive relocation shall be implemented in consultation with the CDFW.</p>			
*10.	Biological Resources	<p>To protect nesting birds, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to burrowing owl.</p> <p>a. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.</p> <p>b. If is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during project construction. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests and within 100 feet for nests of all other birds. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the</p>	Applicant	PWP – Verified by Current Planning and CDFW	Prior to the issuance of building permits

		nest has failed for non-construction related reasons.			
*11.	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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	During ground disturbance
Conditions of Approval					
1.	Development of the property shall be substantially in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage, and lighting.				
3.	<p>The McCall Avenue fronting the project site has an existing right-of-way of 30 feet east of section line. McCall Avenue is classified as an Arterial requiring an ultimate road right of way of 53 feet east of the section line. Prior to issuance of any development permits, the owner of the property shall record a document irrevocably offering the 23 feet as future right-of-way from the west side of the subject parcel which abuts McCall Avenue.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				

4.	Prior to issuance of development or building permits, a Traffic Management Plan (TMP) shall be prepared for the project to address potential impacts during the construction phase of the project and be provided for approval to the Transportation Planning Unit (TPU) of the Department of Public Works and Planning.
5.	Any private utility crossings shall be overhead with poles placed on private property 10 feet outside County Road right-of-way.
6.	Due to Arterial classification of McCall Ave, access points along the parcel frontage shall be limited to one.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	All constructed improvements shall submit plans and to obtain necessary permits and inspections. All constructed improvements shall comply with the adopted Building and Fire Codes, and County of Fresno Ordinances in force at time of permit application. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	<p>To address site development impacts resulting from the project, the Road Maintenance and Operations (RMO) Division of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • Proposed drive approach off McCall Avenue shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3. • Proposed drive approach/access road shall be paved or treated with a dust palliative for the first 100 feet from EP on McCall Avenue to prevent tracking of dust onto the road. • Any entrance gates must be set back a minimum of 20 feet from the road right-of-way, or the length of the longest vehicle entering the site, to eliminate the vehicles from idling in the road when stopped to open the gate. Gate shall not swing outward. • Any setbacks for new construction required by AE-20 Zone District shall be based on 106 feet ultimate road right-of-way for McCall Avenue.

Notes	
	<ul style="list-style-type: none"> • Any work performed within the County Road right-of-way shall require an encroachment permit.
4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. • Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County Road right-of-way, and must be retained on-site, per County Standards • A grading permit or voucher may be required for any grading proposed with this application. • A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work. • If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Jensen Avenue or McCall Avenue.
5.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> • Facilities that 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. • The project will handle hazardous materials and/or hazardous waste and shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • Should a sewage disposal system be proposed, it shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning • If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be applied for and secured from the Health Department.

Notes	
	<ul style="list-style-type: none"> • All water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor. • The project shall adhere to the County noise ordinance for construction-related noise.
6.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (CalFire) conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of two sets of plans to CalFire. Also, the project shall annex into Community Facilities District No. 2010-01 of FCFPD.
7.	An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County Road right-of-way and for the construction of the proposed driveway approaches to Brawley Avenue.
8.	<p>To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888. The following District Rules shall apply to the project:</p> <ul style="list-style-type: none"> • District Regulation VIII (Fugitive PM10 Prohibition) • District Rules 2010 (Permit Required) and 2201 (New and Modified Stationary Source Review) • District Rule 9510 (Indirect Source Review) • District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) • District Rule 4601 (Architectural Coatings) • District Regulation VIII (Fugitive PM10 Prohibitions) • District Rule 4102 (Nuisance) • District Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. • Filing of Air Impact Assessment (AIA) Application.

LOCATION MAP

CUP 3718

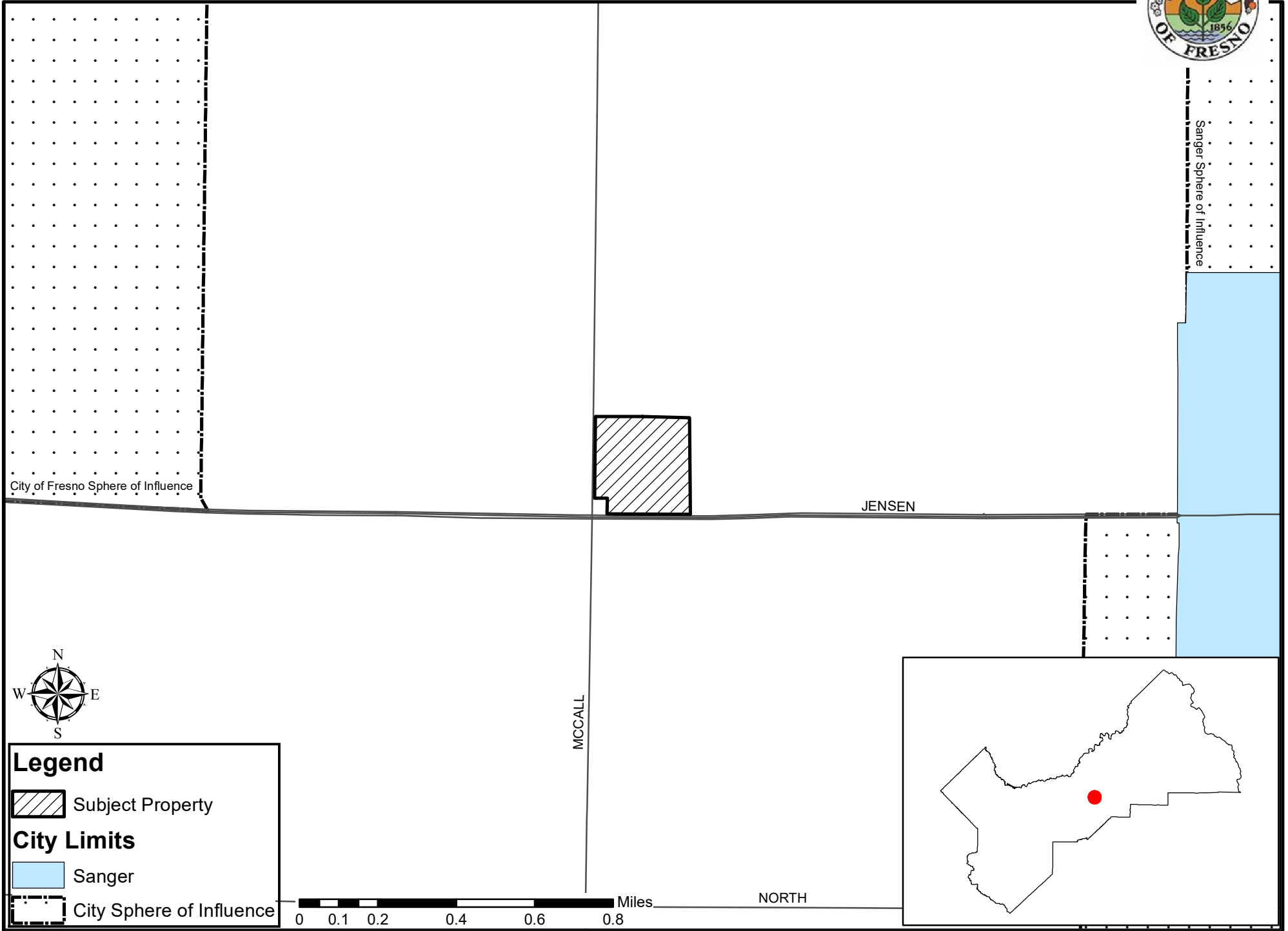




EXHIBIT 2

Legend

 Subject Property

City Limits

 Sanger

 City Sphere of Influence

0 0.1 0.2 0.4 0.6 0.8 Miles

NORTH

EXHIBIT 3
EXISTING ZONING MAP

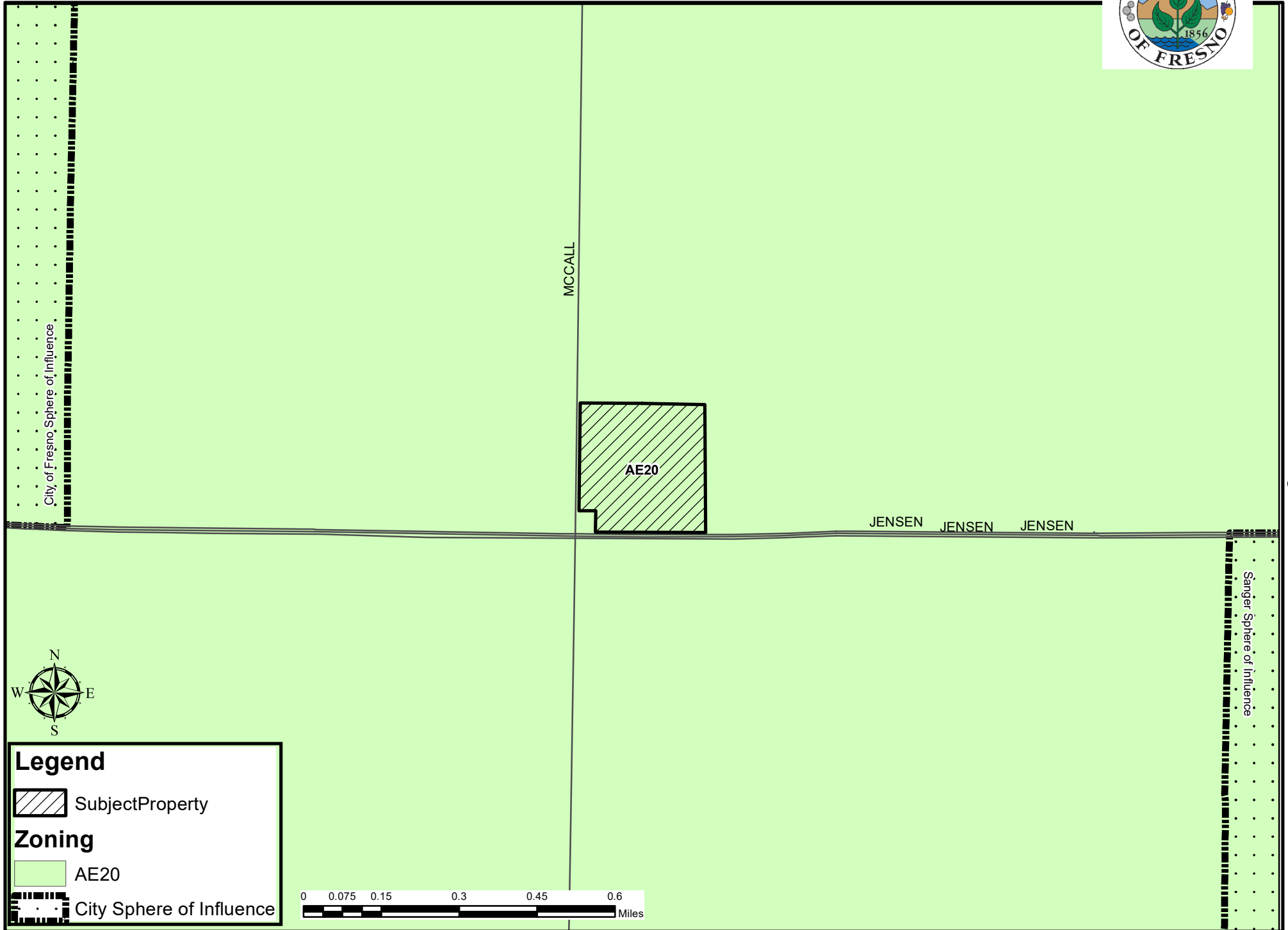


EXHIBIT 3



EXISTING LAND USE MAP

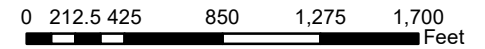


LEGEND

- C# - COMMERCIAL
- FC - FIELD CROP
- ORC - ORCHARD
- SF#- SINGLE FAMILY RESIDENCE
- V - VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



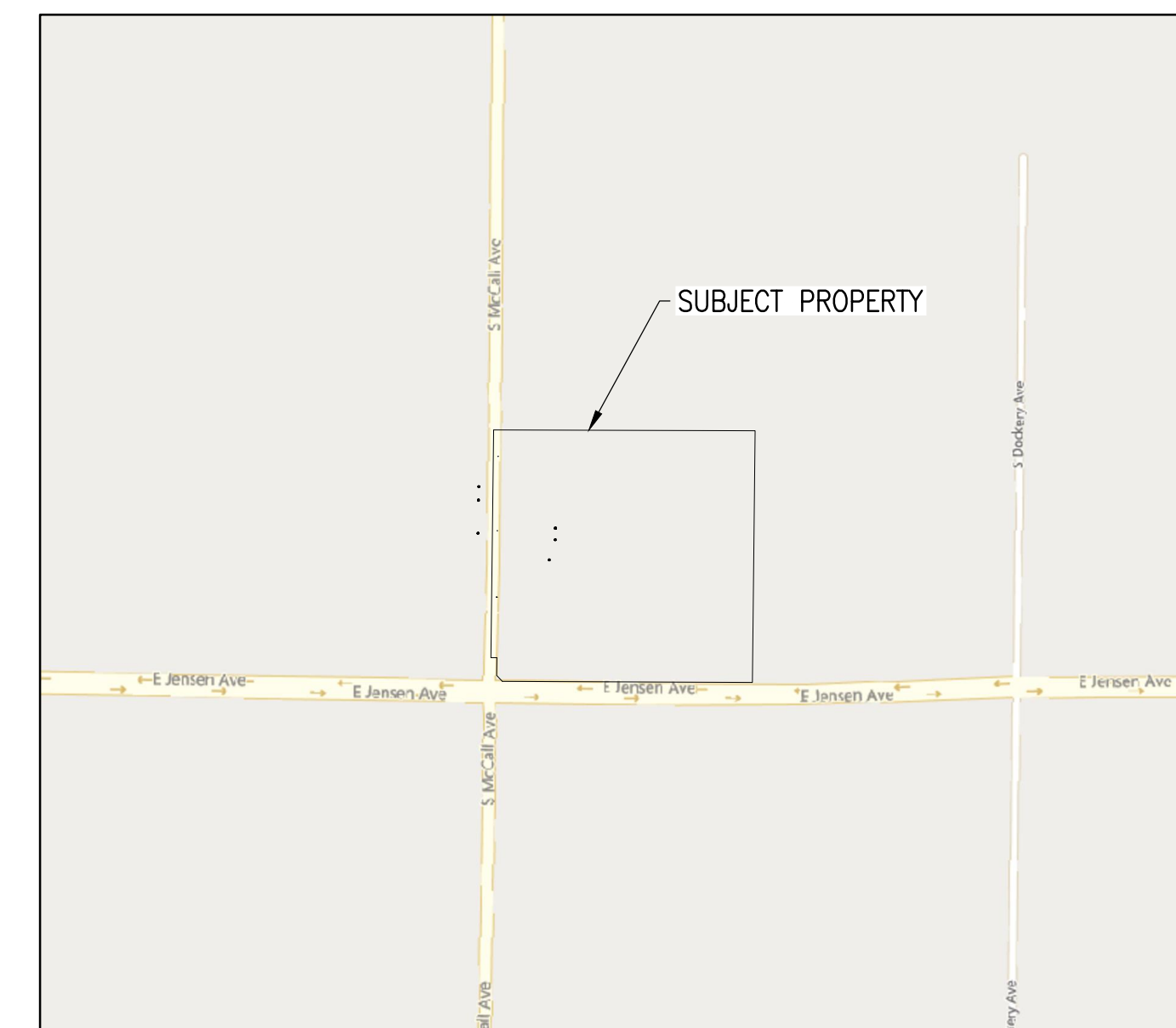
10018 E JENSEN AVE - FRESNO - CA RA - -- KWAC - ESS PROJECT

PROJECT INFORMATION

THIS DOCUMENT IS PROVIDED BY NEW LEAF ENERGY, INC. TO FACILITATE THE SALE OF THE RENEWABLE ENERGY PROJECT REPRESENTED HEREIN. REPRODUCTION, RELEASE OR UTILIZATION FOR ANY OTHER PURPOSE, WITHOUT PRIOR WRITTEN CONSENT IS STRICTLY PROHIBITED.



30 CENTURY HILL DRIVE, SUITE 301
LATHAM, NY 12110
PHONE: (518) 808-4273
FAX: (518) 843-6778
WWW.NEWELEAFENERGY.COM



NOT FOR CONSTRUCTION

ENERGY STORAGE INFORMATION

SYSTEM POWER CAPACITY (KW)	200,000
SYSTEM ENERGY CAPACITY (KWH)	1,600,000
POWER CONVERSION SYSTEM INFORMATION	FLUENCE
TRANSFORMER INFORMATION	4200KVA

IT IS A VIOLATION OF LAW FOR ANY PERSON TO ALTER ANY DOCUMENT WHICH BEARS THE SEAL OF A PROFESSIONAL ENGINEER, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.

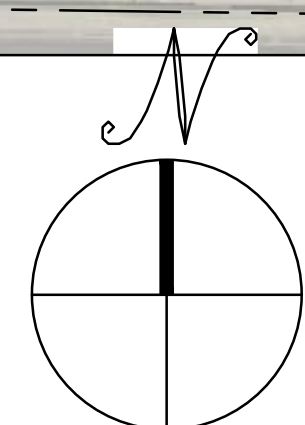
10018 E JENSEN AVE - FRESNO - CA RA
10018 E JENSEN AVE
FRESNO, CA 93706

PROJECT NUMBER:
111-4923

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
	04/28/23	IDV	BS	PROPOSAL LAYOUT

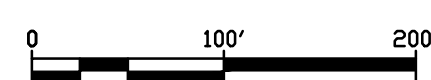
SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

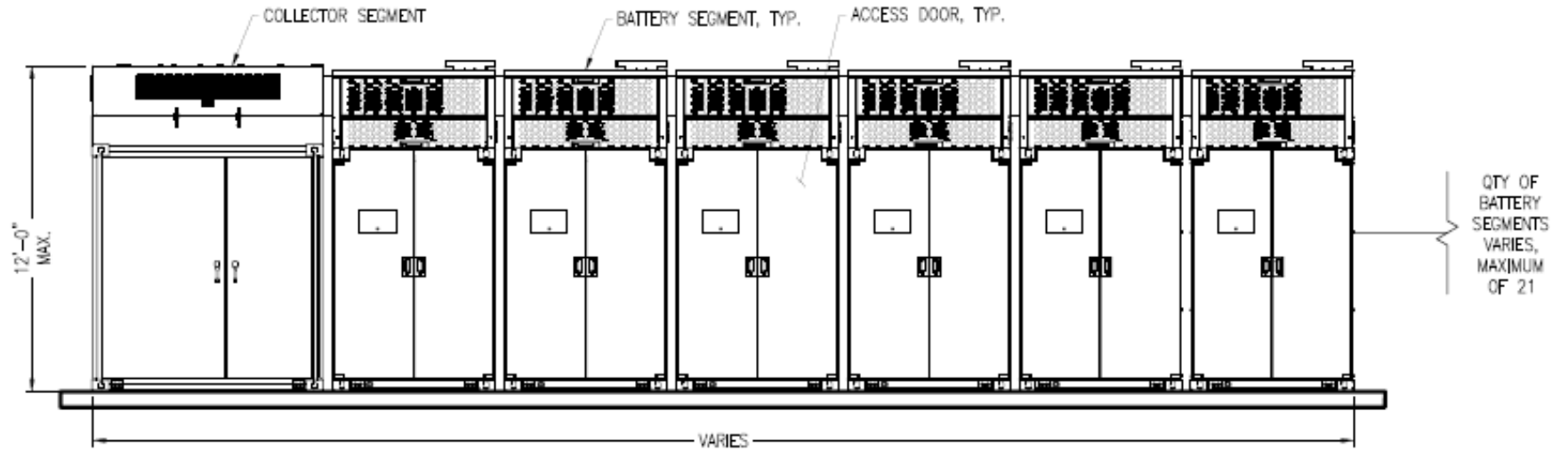
PL-1.0
PROPOSAL LAYOUT



PROPOSAL LAYOUT

SCALE: 1" = 100'





- NOTES:
1. INFORMATION SHOWN IS FOR GENERAL REFERENCE ONLY. REFER TO MANUFACTURER SHOP DRAWINGS FOR FINAL DIMENSIONS AND ADDITIONAL INFORMATION.
2. POWIN CENTIPEDE IS A MODULAR PRODUCT AND WILL BE CONFIGURED TO MEET SITE SPECIFIC NEEDS

1 POWIN CENTIPEDE ESU - ELEVATION

SCALE: NTS

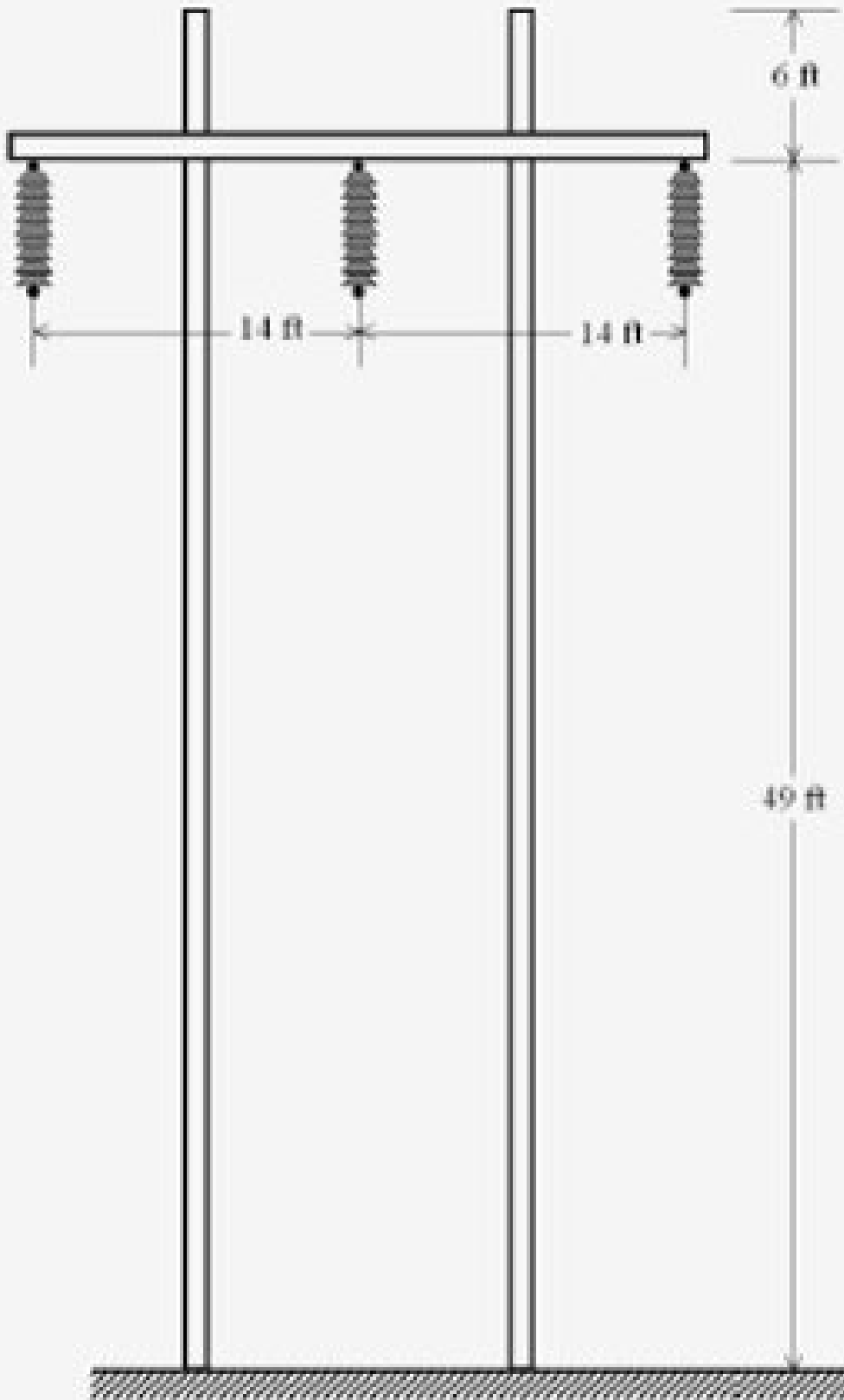


Figure 2:115 kV Steel Tower

EXHIBIT 6

Project Description – Battery Energy Storage Project
10018 E Jensen Avenue, Fresno, CA



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1.0 Overview

The Battery Energy Storage System (BESS) will consist of lithium-ion based battery modules housed in purpose-built metal enclosures, with integrated power conversion equipment and fire suppression systems. In addition, the BESS will have interconnection equipment including transformers and the system will be completely enclosed within a 7-foot high perimeter fence. Interconnection to the PG&E substation will also require a 115kV transmission pole for the overhead wires.

The BESS will operate continuously for the expected project operational term of 20 years. Typical operation of the system will include charging from the grid during the day and discharging during peak electric demand at night.

2.0 Project Objectives

Borrego is proposing to develop and construct a battery energy storage system (BESS) adjacent to the PG&E Sanger substation at 10018 E Jensen Avenue. The project is being developed to add reliability to the California electric grid and help meet the June 2021 California Public Utility Commission's (CPUC) decision requiring 11,500 megawatts of new capacity additions to the California Independent System Operator (CAISO) system.

3.0 Project Location and Site History

3.1 Project Location

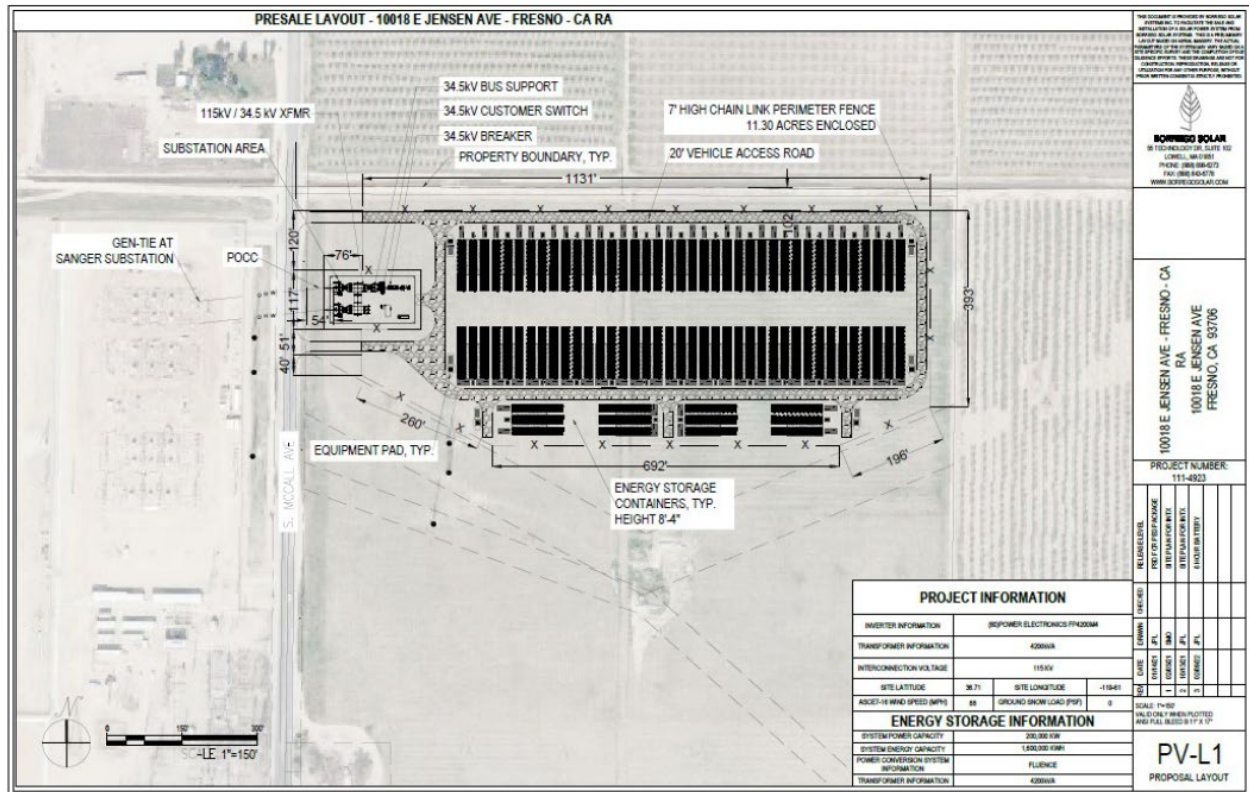
The project is located at 10018 E Jensen Ave in Fresno County, California. The APN for the parcel is 314-080-36.

3.2 Site History

The parcel has been Agriculture/vacant land since at least 1937. There are no structures on the parcel. The Phase 1 ESA done for this project did not find any Historical Recognized Environmental Conditions.

4.0 Project Sites

Project is located on APN 314-080-36.



5.0 Schedule

Expected construction start = 6/2024
 Expected COD = 6/2025

6.0 Surrounding Land Uses and Conditions

6.1 Regional Setting

The project site is located in Fresno County, around primarily agriculture land. The city of Sanger lies approximately 2.5 miles to the east of the site, and the City of Fresno approximately 10 miles WNW of the site.

6.2 Local Setting

The project is primarily surrounded by Agriculture. To the SW of the site is a commercial building. To the west of the site is the Sanger substation operated by PG&E. The rest of the surrounding land is agriculture with some residences.

7.0 County Zoning

The parcel is located in the AE-20 county zoning district.

8.0 Detailed Project Description

8.1 Facilities & Design

8.1.1 Overview of BESS Technology

The BESS will consist of lithium-ion based battery modules housed in purpose-built metal enclosures, with integrated power conversion equipment and fire suppression systems.

8.1.2 Access and Parking

There are two site access points off of S. McCall Avenue, both with 2 access points with vehicle access gates. The access road is 20' wide with ample turning radius for trucks. There will be adequate area on the property for vehicle parking and equipment staging during construction and operational phases.

8.1.3 Perimeter Fencing

The proposed perimeter fence will be 7' high. There will be two (2) vehicle gates at the entrances off S. McCall Avenue for access.

8.1.4 Control Systems

The energy storage units will have control systems in place to monitor cell activity, voltages, and temperatures.

Control Architecture of the BMS section of the Fluence Control System is as shown below:

The BMS is provided by CATL and functions to monitor cell activity, taking measurements of cell voltage, module temperature, battery current and voltages. Fault alarms on the BMS level are sent to limit discharge or contactor operation. The safety alarms will indicate over-voltage,

under-voltage, high temperature, low temperature, over current, contactor(s) faults, etc. and are continuously streamed, along with all the battery information to Fluences' higher-level controllers. It is this data stream that is used to inform the intelligent management system of signs of distress with the battery system and prevention of further events. Estop functionality is triggered by the fire suppression system in the cube, an emergency shutdown signal from the core (system level) controller, cube emergency signal, a single CO smoke detection, or sudden changes in voltage of an individual cell.

8.1.5 Signage and Lighting

There will be no additional continuous lighting for the system or parking lot.

8.1.6 Stormwater Facilities

Stormwater facilities will be designed to meet all local, state, and federal requirements.

8.1.7 Other Infrastructure

Gen Tie to connect the system with Sanger substation across the street will include 115kv overhead wires.

A project substation with inverters and step-up transformers will also be located on the project area.

8.1.8 Applicant Proposed Best Management Practices

8.2 Construction

Construction duration is expected to take about 6 months. There will be no anticipated tree clearing associated with the project.

8.3 Operations and Maintenance

After completion of construction activities which are expected to take 6 months, the BESS will operate unstaffed. The system will be monitored remotely and regular operations and maintenance will be conducted approximately quarterly by service personnel estimated to be 1-2 persons with 1 vehicle.

8.4 Decommissioning

There will be a decommissioning bond established for decommissioning of the energy storage system at the end of its useful life.

9.0 Permits

TBD

10.0 References

Operational Statement – Sanger Energy Storage Project

1900 S McCall Ave, Sanger, CA - Fresno County

1. Nature of Operation:

Borrego is proposing to develop and construct a battery energy storage system (BESS) adjacent to the PG&E Sanger substation at 1900 S McCall Ave (APN #314-080-36), approximately 2 miles west of Sanger. The parent parcel is a 74 acre tract of land which is not under Williamson Act. The parcel is zoned *AE20 Exclusive Agricultural*. The project is being developed to add reliability to the California electric grid and help meet the November 2019 CPUC decision requiring capacity additions to the CAISO system.

In addition, the BESS will have interconnection equipment including transformers and the system will be completely enclosed within a 7-foot high perimeter fence. Interconnection to the PG&E substation will also require a 115kV transmission pole for the overhead wires crossing S McCall Ave. The project area is estimated to be approximately 11.30 acres.

2. Operational Time Limits:

The BESS will operate continuously for the expected project operational term of 20 years. Typical operation of the system will include charging from the grid during the day and discharging during peak electric demand at night. At the property lines, the BESS will produce negligible sound and the system will have minimal lighting for safety at night.

3. Number of Customers or Visitors:

After completion of construction activities which are expected to take 6 months, the BESS will operate unstaffed.

4. Number of Employees:

The system will be monitored remotely, and regular operations and maintenance will be conducted approximately quarterly by service personnel estimated to be 1-2 persons.

5. Service and Delivery Vehicles:

Quarterly service will be conducted using 1 vehicle.

6. Access to the Site:

Both during the construction and operation terms, access to the site will be via an existing road onto the property from S McCall Ave.

7. Number of parking spaces for employees, customers, and service/delivery vehicles:

There will be adequate area on the property for vehicle parking and equipment staging during construction and operational phases.

8. Are any goods to be sold on-site?

No goods are to be sold on-site.

9. What equipment is used?

Please see example project layout and example project image below for equipment to be used.

10. What supplies or materials are used and how are they stored?

No supplies are required to be stored on site.

11. Does the use cause an unsightly appearance?

The BESS appearance is in keeping with the character of the adjacent PG&E electrical substation and will not cause an unsightly appearance.

12. List any solid or liquid wastes to be produced.

Once built, the BESS will not utilize any water, produce any waste, or require any other public utilities.

13. Estimated volume of water to be used (gallons per day).

No water is anticipated to be used during operations.

14. Describe any proposed advertising including size, appearance, and placement.

No advertising will be present other than the required placards on the system as required by the National Electric Code and markings identifying the equipment manufacturer and system owner.

15. Will existing buildings be used or will new buildings be constructed?

The BESS will consist of newly constructed lithium-ion based battery modules housed in purpose-built metal enclosures, with integrated power conversion equipment and fire suppression systems.

16. Explain which buildings or what portion of buildings will be used in the operation.

Regular operations and maintenance will be conducted quarterly on the constructed BESS systems.

17. Will any outdoor lighting or an outdoor sound amplification system be used?

Outdoor light will be used during construction, but no outdoor lighting will exist during normal operations.

18. Landscaping or fencing proposed?

The BESS will be completely enclosed within a 7-foot high perimeter fence.

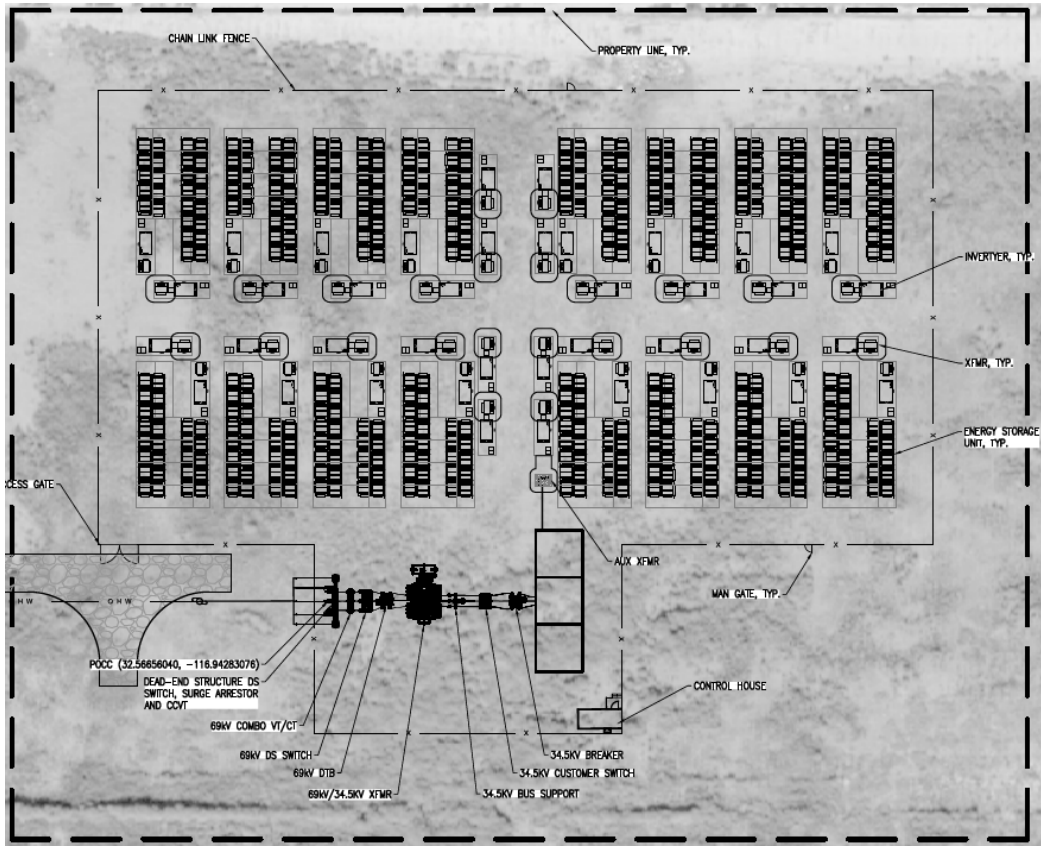
19. Any other information that will provide a clear understanding of the project or operation.

In addition, the BESS will have interconnection equipment including transformers. Interconnection to the PG&E substation will also require a 115kV transmission pole for the overhead wires crossing S McCall Ave.

20. Identify all Owners, Officers and/or Board Members for each application.

Owners, applicants, and representatives will be listed on the signed application forms.

Example Project Layout



Example Project Image



EXHIBIT 7

10018 E JENSEN AVE RECLAMATION PLAN RECLAMATION PLAN

1. Description of present use of the site.

-Site is currently a vacant agricultural field. The land is currently fallow with low native grasses.
2. Describe the proposed alternate use of the land (all equipment to be installed above and underground, structures, fencing, etc.).

- New Leaf is proposing to develop and construct a battery energy storage system (BESS) adjacent to the PG&E Sanger substation at 1900 S McCall Ave (APN #314-080-36). The BESS will have interconnection equipment including transformers and the system will be completely enclosed within a 7-foot high perimeter fence. Interconnection to the PG&E substation will also require a 115kV transmission pole for the overhead wires crossing S McCall Ave. The project area is estimated to be approximately 11.30 acres. Please see attached project layout and example project photo.
3. Duration of the alternate use of the property (specify termination date).

- The BESS will operate continuously for the expected project operational term of 15-30 years depending on property owner options.
4. Address ownership of the property (lease or sale).

-Property is to be leased for the duration of the operational term (15-30 years).
5. Describe how the subject property will be reclaimed to its previous agricultural condition, specifically:
 - A) Timeline for completion of reclamation after solar facility lease has termed (identify phasing if needed); and

-The following are some typical timelines that can be expected during decommissioning. These will be revised during the owner/operators recurring estimation of the decommissioning cost and plan.
 - B) Removal of the BESS, Concrete Pads, and fencing: 1-3 months
 - X) Removal of all electrical equipment: 2-4 weeks
 - Δ) Removal of road and Stormwater features: 2-4 weeks
 - E) Re-establishment of vegetation: 1-3 months
6. Handling of any hazardous chemicals/materials to be removed; and

- The third-party vendor will ensure that local, state and federal waste-handling requirements are met. Additionally, they will determine if the batteries can be reused or recycled, reduce the charges in the batteries, disconnect the system, and make decisions on how to remove, transport and package the batteries and remove and transport the containers that house them.
7. Removal of all equipment, structures, buildings and improvements at and above-grade; and
8. Removal of any below-grade foundations;
9. Removal of any below-grade infrastructure (cables/lines, etc.) that are no longer deemed necessary by the local public utility company; and
10. Detail any grading necessary to return the site to original grade

- Activities associated with removing a battery storage system from service include removal of all other electrical equipment such as transformers, breaking up concrete pads and footings, removing electrical wiring, conduits, fencing, and power poles. The site will be re-graded to existing conditions.

- G) Type of crops to be planted; arid
- Crop type will be decided on by the property owner. Any disturbed areas not reverted to active agriculture will be reseeded with native grasses.
- H) Irrigation system details to be used {existing wells, pumps, etc. should remain throughout the solar facility use).
- No irrigation systems currently exist on the property, and no systems are planned to be installed.
6. A Site Plan shall be submitted along with the text of the Reclamation Plan showing the location of equipment, structures, above and underground utilities, fencing, buffer area, reclamation phasing, etc.
- Site Plan is attached
7. An engineering cost estimate of reclaiming the site to its previous agricultural condition shall be submitted for review and approval
- Reclamation cost estimate is attached
8. Financial assurances equal to the cost of reclaiming the land to its previous agricultural condition shall be submitted to ensure the reclamation is performed according to the approved plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, letter of credit or bond that complies with Section 66499 of the California Government Code, et. seq.
- Financial assurances equal to the cost of reclamation estimate will be submitted prior to the start of construction
9. Evidence that all owners of record have been notified of the proposed Reclamation Plan.
- Owners will be notified via email of reclamation plan

**STANDARD INFORMATION AND CONDITIONS FOR ALL UTILITY-GRADE
PHOTOVOLTAIC PROJECTS**

- " Applicants must work to achieve a minimum 50-foot buffer from the edges of the property boundaries to the closest structural improvements or equipment (excluding fencing). Required setbacks will be included in this buffer.
- " Salvage value estimates cannot be included to offset the estimated reclamation costs provided in the engineer's estimates.
- " The following condition of approval will be included for all projects: *The reclamation plan shall be revised to provide for an annual increase in costs at 3% or tied to the Consumer Price Index (CPI) or other mechanism acceptable to the Department of Public Works and Planning.*



Decommissioning Estimate

Date: 03/02/2023

10018 E Jensen Ave
Sanger, CA 93657

This Decommissioning Estimate has been prepared by New Leaf Energy in an attempt to predict the cost associated with the removal of the proposed battery energy storage facility. The primary cost of decommissioning is the labor to dismantle and load equipment, as well as the cost of trucking materials off-site. All material will be removed from the site, including the concrete equipment pads and strip footings, which will be broken up at the site and hauled to the nearest transfer station.

The following values were used in this Decommissioning Estimate:

System Specifications

Total Batteries	46,080
Total Battery Weight (lbs)	39,365,740
Number of Containers	2880
Number of Transformers	66
Number of Power Conversion Systems	0
Number of Neutral Grounding Reactors	1
Number of Meters	1
Electrical Wiring Length (ft)	23,535
Length of Perimeter Fence (ft)	3,538
Number of Power Poles	0
Total Disturbed Area (SF)	671,845
Total Fence Weight (lbs)	3,998

Labor and Equipment Costs

Labor Rate (\$/hr)	\$ 63.53
Operator Rate (\$/hr)	\$ 95.47
Bobcat Cost (\$/hr)	\$ 125.00
Front End Loader Cost (\$/Day)	\$ 1,000.00
Excavator Cost (\$/Day)	\$ 1,000.00
Trucking Cost (\$/hr)	\$ 130.00
Backhoe Cost (\$/hr)	\$ 245.00
Power Pole Removal Cost (\$/pole)	\$ 1,500.00
Grader Cost (\$/day)	\$ 1,800.00
Seeding Cost (\$/SF)	\$ 0.10
Fuel Cost (\$/mile)	\$ 0.50
Battery Disposal Fee (\$/battery)	\$ 0.50

Equipment & Material Removal Rates

Module Removal and Packaging (min/mod)	45
Large Equipment Removal Rate (hr/unit)	0.5
Electric Wiring Removal Rate (min/LF)	3
Fence Removal Rate (min/LF)	0.5
Days req. to break up concrete pads	376
Days req. with Rough Grader	8
Days req. with Fine Grader	16
Total Truckloads to Transfer Station	2568
Round-Trip Dist. to Transfer Station (miles)	20
Round-Trip Time to Transfer Station (hr)	1
Total Truckloads to Battery Recycling	1406
Round-Trip Dist. to Battery Rec. (miles)	20
Round-Trip Time to Battery Rec. (hr)	1

Contingency & CAPM

Contingency Percentage	15%
Contract Admin and Proj Mgmt Sum	\$20,000



Decommissioning Estimate/Plan

Date: 03/2/2023

10018 E Jensen Ave
Sanger, CA 93657

Labor, Material, and Equipment Costs

1. Battery Modules Removal and Packaging Cost

Remove and Package Individual Battery Module.

$$(Number\ of\ Battery\ Modules \cdot Module\ Removal\ Rate) / 60\ Min\ per\ Hour \cdot Labor\ Rate = \\ Battery\ Module\ Removal\ and\ Packaging\ Cost$$

Total = \$ 2,195,596.80

2. Load Electrical Equipment

Electrical equipment includes transformers and inverters. We assume that companies removing electrical equipment will provide trucking services and will reclaim valuable materials themselves.

$$(Number\ of\ containers \cdot containers\ Removal\ Rate + Number\ of\ Transformers \cdot Transformer \\ Removal\ Rate) \cdot (Operator\ Rate + Bobcat\ Cost) = \\ Electrical\ Equipment\ Removal\ Cost$$

Total = \$ 324,752.31

3. Break Up Concrete Pads

Concrete pads are broken up using an excavator and jackhammer.

$$Number\ of\ Demolition\ Days \cdot (Excavator\ Cost + Labor\ Cost) =$$

Total = \$ 663,173.76

4. Remove Electrical Wiring

Electrical wiring will be removed from all underground conduits.

$$Cable\ Length \cdot Cable\ Removal\ Rate \cdot (Operator\ Cost + Backhoe\ Cost) \\ = Total\ Cable\ Removal\ Cost$$

Total = \$ 400,648.07

5. Remove Fencing

Fencing posts, boards, and foundations will be loaded onto a truck and removed from site. Trucking costs included in this line item are for the removal process. Trucking to a recycling facility are included in item #8.

$$(Total\ Length\ of\ Fence \cdot Fence\ Removal\ Rate) \cdot (Operator\ Rate + Bobcat\ Cost + Trucking\ Cost) =$$

Total = \$ 10,333.02

6. Remove Power Poles

Power poles will be removed and shipped off site.

Number of Power Poles • Pole Removal cost =

Total = \$ 100,000.00

7. Seed Disturbed Areas

Seeding cost includes labor and materials for reseeding all disturbed areas including the reclaimed gravel road area, former electrical areas, and areas disturbed by racking foundation removal.

*Seeding Cost • Disturbed Area =
Total Seeding Cost*

Total = \$ 67,184.50

8. Truck to CCDD

All material will be trucked to the nearest CCDD station that accepts construction material (i.e. fence, concrete pads and gravel).

The nearest transfer station is TBD

*(Total Trucks to CCDD • Roundtrip Time • Trucking Cost) =
Total Trucking Cost to CCDD*

Total = \$ 333,840.00

9. Truck to Recycling Facility Plus Disposal Fee

All batteries will be transported to the nearest recycling facility.

*(Total Trucks to Recycling Facility • Roundtrip Distance • Trucking Cost) + (Number Batteries •
Battery Disposal Fee) =*

Total = \$ 205,820.00

10. Administrative Fees

Development of bid Package, contract administration, and project management.

Flat Fee

Total = \$ 20,000.00



11. 15% Contingency plan

(Subtotal of sections 1-10) • (15% Contingency plan)

Total = \$ 646,702.27

Salvage Values

Salvage Value Not Included

Summary of Decommissioning Costs and Salvage Values

Line Item	Task	Cost
1	Remove and Package Battery Modules	\$ 2,195,596.80
2	Electrical Equipment Loading and Removal	\$ 324,752.31
3	Break Up Concrete Pads	\$ 663,173.76
4	Electrical Wiring Removal	\$ 400,648.07
5	Fence Removal	\$ 10,333.02
6	Power Pole Removal	\$ 100,000.00
7	Seed Disturbed Areas	\$ 67,184.50
8	Trucking to CCDD	\$ 333,840.00
9	Trucking to Recycling Facility Plus Disposal Fee	\$ 205,820.00
10	Administrative Fees	\$ 20,000.00
11	Contingency Plan	\$ 646,702.27
Subtotal =		\$ 4,968,050.74

Task	Number of Batteries	Battery removal Rate (Min/Battery)	Labor Rate	Total Cost
Remove and Package Battery Modules	46,080	45	\$ 63.53	\$ 2,195,596.80

Task	Number of Equipment	Loading rate (hr/unit)	Labor Rate	Total Cost
Transformer Loading and Removal	66	0.5	220.47	\$ 7,275.51
Inverter Loading and Removal	2880	0.5	220.47	\$ 317,476.80
Total Electrical Loading and Removal				\$ 324,752.31

Task	# of Demolition Days	FEL Cost/Day	Labor Rate	Total Cost
Break Up Concrete Pads	376	\$ 1,000.00	\$ 95.47	\$ 663,173.76

Task	Length of Cable	Cable Removal Rate	Labor Rate	Backhoe cost/Hr	Total Cost
Electrical Wiring Removal	23535	3 Min/L.F	95.47	\$ 245.00	\$ 400,648.07

Task	Total Length Fence	Fence Removal Rate	Labor Rate	Bobcat Cost/Hr	Truck Cost/Hr	Total Cost
Fence Removal	3538	0.5	\$ 95.47	\$ 125.00	\$ 130.00	\$ 10,333.02

Task	Number of Poles	Pole Removal Cost	Total Cost
Power Pole Removal	4	\$25,000	\$ 100,000.00

Task	Area to be seeded (sf)	Seeding Cost/sf w/Labor	Total Cost
Seed Disturbed Areas	671845	\$ 0.10	\$ 67,184.50

Task	Number of Trips	Length of trip (Hr)	Trucking Cost / Hr	Total Cost
Trucking to CCDD	2568	1	130	\$ 333,840.00

Task	Number of Trips	Length of Trip (Hr)	Trucking Cost / Hr	# of Batteries	Battery Disposal Cost	Total Cost
Trucking to Recycling Facility Plus Disposal Fee	1406	1	130	46080	0.5	\$ 205,820.00

Task	Fixed Fee	Total Cost
Administrative costs	\$ 20,000.00	\$ 20,000.00

Subtotal	\$ 4,321,348.47
15% Contingency	\$ 646,702.27
Grand Total	\$ 4,968,050.74

PRESALE LAYOUT - 10018 E JENSEN AVE - FRESNO - CA RA

THIS DOCUMENT IS PROVIDED BY BORREGO SOLAR SYSTEMS INC. TO FACILITATE THE SALE AND INSTALLATION OF A SOLAR POWER SYSTEM FROM BORREGO SOLAR SYSTEMS. THIS IS A PRELIMINARY LAYOUT BASED ON AERIAL IMAGERY. THE ACTUAL PARAMETERS OF THE SYSTEM MAY VARY BASED ON A SITE SPECIFIC SURVEY AND THE COMPLETION OF DUE DILIGENCE EFFORTS. THESE DRAWINGS ARE NOT FOR CONSTRUCTION, REPRODUCTION, RELEASE OR UTILIZATION FOR ANY OTHER PURPOSE, WITHOUT PRIOR WRITTEN CONSENT IS STRICTLY PROHIBITED.

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 WWW.BORREGOSOLAR.COM

10018 E JENSEN AVE - FRESNO - CA
 RA
 10018 E JENSEN AVE
 FRESNO, CA 93706

PROJECT NUMBER:
 111-4923

RELEASE LEVEL	CHECKED	DRAWN	DATE	REV
PSD FOR PDS PACKAGE		JPL	01/14/21	1
SITE PLAN FOR INTX		SHO	02/03/21	1
SITE PLAN FOR INTX		JPL	10/13/21	2
8 HOUR BATTERY		JPL	03/08/22	3

PROJECT INFORMATION

INVERTER INFORMATION	(60)POWER ELECTRONICS FP4200M4		
TRANSFORMER INFORMATION	4200KVA		
INTERCONNECTION VOLTAGE	115 KV		
SITE LATITUDE	36.71	SITE LONGITUDE	-119.61
ASCE7-16 WIND SPEED (MPH)	88	GROUND SNOW LOAD (PSF)	0

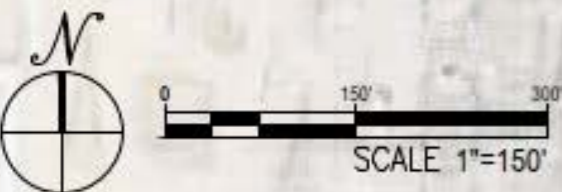
ENERGY STORAGE INFORMATION

SYSTEM POWER CAPACITY	200,000 KW
SYSTEM ENERGY CAPACITY	1,600,000 KWH
POWER CONVERSION SYSTEM INFORMATION	FLUENCE
TRANSFORMER INFORMATION	4200KVA

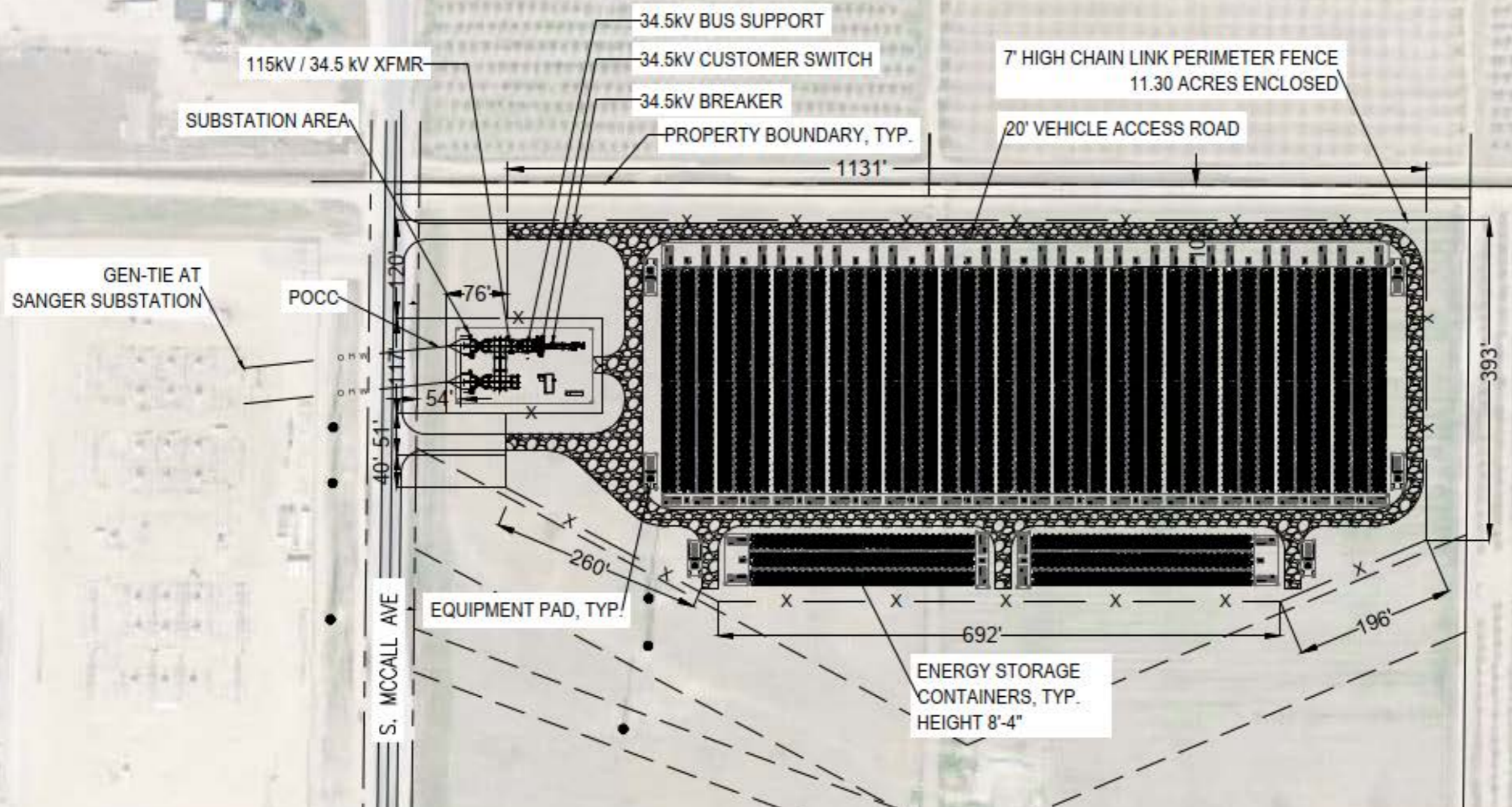
SCALE: 1"=150'
 VALID ONLY WHEN PLOTTED
 ANSI FULL BLEED B 11" X 17"

PV-L1
 PROPOSAL LAYOUT

EXHIBIT 7 - PAGE 9



Signed 3/6/2023





County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Apache Energy Storage 1, LLC
- APPLICATION NOS.:** Initial Study No. 8116 and Unclassified Conditional Use Permit Application No. 3718
- DESCRIPTION:** Allow the construction, operation, and ultimate decommissioning of a battery energy storage system consisting of lithium-ion based battery modules housed in purpose-built metal enclosures with integrated power conversion equipment, fire suppression system, transformer and 115kV transmission poles for the overhead wires crossing McCall Avenue for interconnection to nearby PG&E Sanger substation. The project will be located on an approximately 11.3-acre portion of a 37.56-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.
- LOCATION:** The project site is located on the northeast corner of S. McCall and E. Jensen Avenues approximately 1.26 miles west of the city limits of City of Sanger (APN 314-080-36) (10018 E. Jensen Avenue) (Sup. Dist. 4).

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 37.56 acres project site borders with McCall and Jensen Avenues. McCall Avenue is not designated as a scenic drive/highway, but Jensen Avenue is in the Open Space and Conservation element of County General Plan (Scenic Roadways, Figure OS-2).

Under General Plan Policy OS-L.3, development on a Scenic Roadway shall adhere to a 200-foot setback of natural open space. In the case of subject proposal, the 11.3-acre portion of the 37.56-acre project site to be developed with the proposed battery energy storage system is located within the northerly most portion of the property more than 500 feet from Jensen Avenue and therefore is not interfering with the scenic setback. There are no scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings on or near the site that will be impacted by the subject proposal. The project will have no impact on scenic resources.

- 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 would allow battery modules housed in metal enclosures with integrated power conversion equipment, and 115kV transmission poles for the overhead wires crossing McCall Avenue for interconnection to PG&E Sanger substation located at the northwest corner of McCall and Jensen Avenues. The energy storage enclosures would be at a maximum of 12 feet in height enclosed by 7-foot-high perimeter fencing. The transmission poles will be 55 feet in height.

The project site has been farmed on and off since 1937. The area consists of agricultural fields with sparse single-family homes. Given the landscape of the area, low height modules secured by perimeter fencing, and the proposed electric pole being comparable in height to poles in the area would not significantly change the visual characteristics of the project area. The visual impact would be less than significant.

- 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, outdoor light will be used during construction, but not during the project operation. Should any outdoor lighting be installed, potential of generating glare in the area increases. To minimize any light and glare impact, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure:**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties and public streets.*

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 WITH MITIGATION
INCORPORATED:

The project is not in conflict with agricultural zoning and is allowed on agriculture land with discretionary approval and by adherence to the applicable General Plan Policies. The project site is classified as Prime Farmland on 2016 Fresno County Important Farmland Map and is not encumbered by Williamson Act Land Conservation Contract.

The Applicant, Borrego Solar Systems, Inc., has provided a response to a 14-point *Solar Facility Guidelines* (Guidelines) approved by the Fresno County Board of Supervisors on December 12, 2017. The applicant's response addresses all 14-points Guidelines information required of the project and has been provided to various agencies/departments for review and comments.

As noted in Item 1 and Item 2 of the Guidelines related to Agricultural History and Water Supply, the project site has been farmed on and off since 1937 and is located within the boundary of Consolidated Irrigation District. Per the applicant's Operational Statement, there is no onsite well, and the water needed for construction will come from offsite water resources. No water usage is anticipated during operation of the project.

As noted in Item 4 of the Guidelines related to the Soil Type, the soil of the subject parcel is Ramona Sandy Loam. This soils type is defined as ideal for growing crops because of its ability to release nutrients freely to plants, retain water to feed plants and allow excess water to flow away quickly and easily.

The agricultural nature of the project site will be impacted due to the loss of Prime Farmland while the site is being utilized for the proposed battery energy storage system. However, this loss is expected to be temporary and less than significant in that the project will occupy the site for a maximum of 20 years after which time all onsite improvements will be dismantled and removed from the site, and the site will be restored to its pre-project conditions for farming operations.

As noted in Item 6 of the Guidelines related to Reclamation Plan and corresponding information contained in the specifics of the Reclamation Plan, at the termination of the project operations, the system will be disconnected and transported offsite, and the site will be re-graded to the existing conditions. As part of the Reclamation Plan, an engineering cost estimate of reclaiming the site to its previous agricultural condition was required and has been provided by the Applicant.

The site restoration requirements will be included as a Mitigation Measure and be stipulated in a covenant between the applicant/property owner and the County of Fresno. Another Mitigation Measure which pertains to Item 8 of the Reclamation Plan would require that prior to issuance of building permits, financial assurances equal to the cost of reclaiming the land to its previous condition as nearly as possible based on an engineering cost estimate prepared for the project by Borrego Solar Systems, Inc., shall be submitted to ensure that the reclamation is performed according to the approved Plan.

Although, Fresno County Agricultural Commissioner's Office (Ag Commissioner) reviewed and expressed no concerns with the project, mitigation measures would require that the applicant shall keep the site free of weeds and rodents during the life of the project.

* **Mitigation Measures:**

1. *A covenant shall be signed between the Applicant/property owner and the County of Fresno and shall run with the land requiring the site to be restored to agricultural uses at the cessation of 20 years of battery energy storage system.*
2. *Prior to the County of Fresno's issuance of the grading or any development permit, the project developer must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement will require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement or other form of security acceptable at the discretion of the Board of Supervisors. The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive*

restoring the site to a viable agricultural use. (e.g., access roads, electrical lines, O&M building).

3. *The project shall substantially adhere to the provisions in the Draft Reclamation Plan as submitted to the Planning Commission and prepared for the decommissioning of the facility when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final Site Plan and improvements. The draft Reclamation Plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning prior to the issuance of any development permits.*
4. *The Reclamation Plan shall be revised to provide for an annual increase in costs at three percent (3%) or tied to the Engineering News-Record construction cost index, or other mechanism acceptable to the Fresno County Department of Public Works and Planning.*
5. *The project operator, throughout the life of the project operation, shall keep the project site free of rodent's infestation in accordance with the Pest Management Plan prepared for the project by New Leaf Energy dated February 23, 2023.*
6. *The project operator, throughout the life of the project operation, shall keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard in accordance with the Pest Management Plan prepared for the project by New Leaf Energy dated February 23, 2023.*

As noted above, the project site is not under a Williamson Act Land Conservation Contract. Review of the project by Fresno County Agricultural Commissioners' Office (Ag Commissioner) and other departments/agencies did not require Conservation Easement for the project as a method to protect agricultural land of equal or greater value as the land being converted to the proposed use. The proposed development is temporary in nature and the farmland it would occupy will be restored back to farming operations upon cessation of the use.

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

FINDING: NO IMPACT:

The project is not in conflict with current zoning and is an allowed use on land designated for AE (Exclusive Agricultural 20-acre minimum parcel size) with discretionary approval and adherence to the applicable General Plan Policies. The project site is not in Williamson Act Land Conservation Contract.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not in an area designated for timberland or zoned for timberland production. No forests occur in the vicinity; therefore, no impacts to forests, conversion of forestland, or timberland zoning would occur because of the subject proposal.

According to the County Zoning Ordinance, the project site is zoned AE (Exclusive Agricultural 20-acre minimum parcel size) for farming and related uses. The project will temporarily convert a 11.3-acre portion of a 37.56-acre site (farmland) to a non-agricultural use (battery energy storage facility) for 20 years. At the end of 20 years of operation, all improvements on the property will be decommissioned, and the site will be brought back to its original condition for agriculture.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An *Air Quality and Greenhouse Gas Impact Analysis (AQ/GHG Analysis)* was prepared for the project by Jacobs Engineering Inc, dated December 9, 2022, to analyze air quality, greenhouse gas emissions and potential health risk impacts related to the proposed battery energy storage system. The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviewed the AQ/GHG Analysis and stated that the project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District’s Guidance for Assessing and Mitigating Air Quality Impacts. The project, however, will be subject to the following regulatory requirements: District Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources); District Rule 9510 (Indirect Source Review); District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants); District Rule 4601 (Architectural Coatings); District Regulation VIII (Fugitive PM10 Prohibitions); District Rule 4102 (Nuisance) and District Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, NO_x, PM₁₀, and PM_{2.5}. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for CO, NO_x, ROG, SO_x PM₁₀ and PM_{2.5}. The SJVAPCD’s annual emission significance thresholds used for the project define

the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO_x 100 tons per year CO, 27 tons per year SO_x, 15 tons per year PM₁₀ and 15 tons per year PM_{2.5}.

Per the *Air Quality and Greenhouse Gas Impact Analysis (AQ/GHG Analysis)*, the total 2024-25 project construction emissions (ton per year) would be 0.64 for ROG, 3.85 for NO_x, 9.74 for CO, 0.02 for SO₂, 1.7 for PM₁₀ and 0.57 for PM_{2.5} which are less than the SJVAPCD CEQA thresholds for all pollutants analyzed.

Equipment to be used for project construction would meet applicable emission standards. The project will comply with applicable requirements of SJVAPCD Regulation VIII for prevention, reduction, and mitigation of fugitive dust emissions. The area disturbed during project construction would be greater than 5 acres; therefore, a dust control plan will be prepared for the project construction to identify fugitive dust sources at the construction site and describe the dust-control measures to be implemented before, during, and after any dust-generating activity for the duration of the project construction.

Estimated construction emissions from the Project would exceed 2 tons per year for NO_x and PM₁₀. Therefore, the project will comply with Rule 9150 requirements to reduce the NO_x and PM₁₀ construction emissions through onsite emission reductions, offsite emission offsets, or a combination of the two. Because the project would comply with applicable SJVAPCD rules and the construction emissions would be below the CEQA emission thresholds, the project would not conflict with or obstruct implementation of the applicable Air Quality Plan; thus, it would have less than significant impacts during construction.

During the operational phase, the facility would be unstaffed. Vehicle trips associated with the routine inspection and maintenance activities would be infrequent (one to two trips per quarter) and the emissions would be negligible. Therefore, the project operation is not expected to cause emissions that would exceed any significance threshold or violate any SJVAPCD rule or regulation.

In summary, the project's construction and operation emissions would be lower than the SJVAPCD air emissions significance thresholds and would comply with applicable federal, state, and local rules and regulations. Therefore, the project would not conflict with or obstruct implementation of the applicable Air Quality Plan and would result in a less than significant impact.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has determined that any project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact (SJVAPCD 2015a). As noted in III. A.

above, construction of the project will cause temporary emissions of criteria air pollutants; however, these short-term construction emissions will not exceed the applicable significance thresholds for any criteria pollutant for which the region is nonattainment.

Emissions occurring at or near the project area have the potential to create a localized impact also referred to as an air pollutant hotspot. Localized emissions are considered significant if when combined with background emissions, they would result in exceedance of air quality standard. In the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the SJVAPCD has provided guidance for screening localized impacts that establishes a threshold of 100 pounds per day of any criteria pollutant. If a project exceeds this screening threshold, ambient air quality modeling would be necessary. If the Project does not exceed 100 pounds per day of any criteria pollutant, it can be assumed that it would not cause a violation of an ambient air quality standard.

Per the *Air Quality and Greenhouse Gas Impact Analysis (AQ/GHG Analysis)*, onsite daily emissions from project construction were calculated by combining the emissions from construction activities that would potentially overlap during the same day. Onsite emissions include only those from the off-road construction equipment that would be operating at the construction site; emissions from worker commute, pickup trucks, and haul trucks are not included.

Per the *AQ/GHG Analysis*, the worst-case onsite daily emissions (pounds per day) would be 5.73 for ROG, 32.52 for NO_x, 93.44 for CO, 0.17 for SO₂, 13.71 for PM₁₀ and 8.03 for PM_{2.5} which are less than less than the 100 pounds per day screening level for each criteria pollutant.

Localized construction impacts would be short term in nature and would last only for the duration of construction. The onsite construction emissions would be less than 100 pounds per day for each of the criteria pollutants from the construction site. Therefore, further analysis of localized air quality impacts using air dispersion modeling is not required. The project would not result in a cumulatively considerable net increase of any pollutant for which the region is in nonattainment under the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), and therefore would result in a less than significant impact.

Per AQ/GHG Analysis, the project will not result in emissions exceeding the SJVAPCD significance threshold, the project will not be subject to the implementation of Voluntary Emission Reduction Agreement (VIRA).

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors for air quality include facilities or land uses that serve or house members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of sensitive receptors include schools, hospitals, and residential areas.

The project site is surrounded by open agricultural fields with sparse single-family homes. No schools or hospitals as sensitive receptors are located within 1.25 miles of the project site. The closest single-family residence is approximately 276 feet northwest of the project construction site.

As noted in III. B. above, the worst-case onsite daily emissions (pounds per day) for the project will be less than the SJVAPCD Air Quality Screening Thresholds of 100 for all pollutants analyzed. Therefore, the Project emissions of criteria pollutants would not cause localized impacts or expose sensitive receptors to substantial pollutant concentrations.

Exhaust emissions from construction equipment would contain Toxic Air Contaminants (TAC), such as Diesel Particulate Matter (DPM), with potential to cause cancer and noncancer chronic health effects in exposed populations. However, health risks from DPM are associated with long-term exposure and are typically evaluated based on lifetime exposure. As noted above, a single-family home is located approximately 276 feet northwest of the project construction site. The construction activities would be short term and would be limited to a relatively small area where only a few pieces of construction equipment would be operating at any time. Therefore, the project's construction emissions are not expected to result in long-term exposure of the nearby sensitive receptors to substantial DPM concentrations.

As described, exposure to TAC emissions from construction activities would be short term in nature, with minimal effects on the nearby sensitive receptors; long-term exposure to DPM from construction would not occur. In addition, the project would implement Best Management Practices (BMPs) during construction, including limits on idling times and maintaining equipment to minimize emissions and exposure of nearby sensitive receptors to construction-related pollutants. Emissions from the project construction would not cause substantial exposure of sensitive receptors. The associated health risks would be well below the SJVAPCD health risk thresholds.

The project operation would be unmanned, with negligible emissions from operational activities resulting in minimal emissions of air pollutants including TACs and would not expose sensitive receptors to substantial pollutant concentrations.

The project is not expected to result in significant Valley Fever-related impacts because fugitive dust-control measures, such as watering of exposed surfaces and disturbed areas, would reduce dust and minimize potential for exposure of workers and other receptors to *Coccidioides* spores. Further, employers in California are required to equip workers who may be exposed to dust with National Institute for Occupational Safety and Health-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or high-efficiency particulate air. Therefore, project-related impacts related to Valley Fever exposure would be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Impact Analysis (AQ/GHG Analysis)*, construction could potentially result in odorous exhaust emissions from use of gasoline- and diesel-fueled vehicles and equipment. However, these emissions would be intermittent and temporary and would dissipate with an increase in distance from the construction location. Given the temporary and intermittent nature of odor-generating construction activities, and the dispersion of emissions compared to the limited proximity and low number of potential receptors, construction of the project would not expose people to objectionable odors for an extended period or lead to odorous emissions that would adversely affect substantial numbers of people. Impacts associated with odors during construction would be less than significant.

The project would be a battery energy storage system, which is not expected to result in objectionable odors during operation. Therefore, the project operation would not result in emissions leading to odors that would adversely affect substantial numbers of people, and the impact would be less than significant.

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?
- 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?

FINDING: ~~NO IMPACT~~ LESS THAN SIGNIFICANT IMPACT WITH MITIGATIONS INCORPORATED:

~~The project proposes construction and operation of a battery energy storage system on an 11.3-acre portion of a 37.56-acre parcel.~~

~~The project site has been disturbed by farming operation and contains no river or stream to hold riparian features that could potentially be impacted by the project. The immediate surrounding area is comprised of cultivated and uncultivated land with sparse single-family residences, including the PG&E Sanger substation to the west of the site.~~

~~The project will not have substantial adverse impact, directly or indirectly, on any special status species or their habitat, nor any plans, policies or regulations related to the protection of such resources.~~

The project was routed to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW) for review and comments. Neither agency offered any comments during the project comment period. ~~concerning the impact on~~

biological resources. However, comments were provided by CDFW on May 4, 2023, based in their review of this Initial Study (IS) document. The agency expressed concerns regarding project-related impacts to the State threatened Swainson's Hawk, the State species of special concern burrowing owl, and migratory and non-migratory nesting birds; and suggested several mitigation measures for incorporation into the project.

A *Biological Resource Evaluation (Report)* prepared for the project by *Halstead & Associates* and dated February 2021 concurred with CDFW assessment of the project impact on Swainson's Hawks, burrowing owls, and migratory birds and has recommended several mitigation measures. Inclusion and implementation of these mitigation measures as noted below will reduce project impact to these species to a less than significant level.

* **Mitigation Measures:**

1. ***To protect nesting Swainson's Hawk, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to hawk.***
 - a. ***To the extent practicable, construction shall be scheduled to avoid the Swainson's Hawk nesting season, which extends from March through August.***
 - b. ***If it is not possible to schedule construction between September and February, a qualified biologist shall conduct surveys for Swainson's Hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (SWHTAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SWTAC 2000, Appendix D). These methods require six surveys, three in each of the two survey periods, prior to project initiation. Surveys shall be conducted within a minimum 0.5-mile radius around the project site. However, the survey radius shall be extended up to 10 miles from the project site to identify the nearest nest, which will determine the habitat mitigation ratio (see Mitigation Measure c. below). The California Department of Fish and Wildlife (CDFW) shall be consulted if an active nest is found within 0.5 miles of the Project site.***
 - c. ***Compensate for loss of Swainson's Hawk foraging habitat in accordance with the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994, Appendix E). Per CDFW, projects adversely affecting Swainson's Hawk foraging habitat provide Habitat Management (HM) Lands to the department. Projects within 1 mile of an active nest shall provide one acre of HM lands for each acre of development authorized (1:1 ratio). Projects within 5 miles of an active nest but greater than 1 mile from the nest shall provide 0.75 acres of HM lands for each acre of urban development authorized (0.75:1 ratio). And projects within 10 miles of an active nest but***

greater than 5 miles from an active nest shall provide 0.5 acres of HM lands for each acre of urban development authorized (0.5:1 ratio).

2. To protect Burrowing Owl, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to burrowing owl.

a. To conduct focused Burrowing Owl surveys to assess the presence/absence of Burrowing Owl in accordance with guidelines in the California Department of Fish and Wildlife's (CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012).

b. If a Burrowing Owl or sign of Burrowing Owl use (e.g., feathers, guano, pellets) is detected on or within 500 feet of the project site, and the qualified biologist determines that project activities would disrupt the owl(s), a construction-free buffer, limited operating period, or passive relocation shall be implemented in consultation with the CDFW.

3. To protect nesting birds, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to burrowing owl.

a. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August

b. If is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during project construction. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests and within 100 feet for nests of all other birds. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.

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:

A query of the National Wetlands Inventory (NWI) Map shows no drainage pattern, aquatic feature, wetlands, waters of the United States or waters of the State of California present on or near the project site. The project will have no impact on wetland.

- 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:

As noted above, the project site and surrounding area is agricultural in nature and is located approximately 1.26 miles west of the City of Sanger's existing urban development. The area is not designated as a migratory wildlife corridor and the project site contains no water feature to provide for the migration of resident or migratory fish.

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

FINDING: NO IMPACT:

The project site contains no trees that would require removal due to the proposed development. There were no policies or ordinances for protecting biological resources identified as conflicting with the project.

- 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:

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan were identified in conflict with the project.

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 project site is not in an area designated as highly or moderately sensitive for archeological resources. However, per the discussion in Section XVIII TRIBAL CULTURAL RESOURCES below, in the unlikely event that cultural resources are unearthed during future construction activities on the property, the following actions shall be required to ensure that impacts to such cultural resources remain less than significant.

* **Mitigation Measure:**

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:

The project will have a beneficial impact for energy resources and is not in conflict with state and local plans for renewable energy or energy efficiency.

The project, consisting of a battery energy storage system, will add reliability to the California grid system to help meet the June 2021 California Public Utility Commission's decision requiring 11,500 megawatts of new capacity additions to the California Independent System Operator system.

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:

According to Figure 9-3 of the Fresno County General Plan Background Report and the Earthquake Hazard Zone web application (EQZapp) maintained by the California Department of Conservation, the project site is not located near a known earthquake fault or rupture of a known earthquake fault. The project development will be subject to the applicable seismic standards of the California Building Standards Code.

2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, in the event of a seismic hazard occurring, the project site is located on land identified as having a zero percent to 20 percent peak horizontal ground acceleration assuming a 10 percent probability in 50 years. The FCGPBR indicates that the potential of ground shaking is minimal in Fresno County. Due to the minimal peak horizontal ground acceleration risk and minimal ground shaking risk, the project is not subject to adverse risk from ground shaking or seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in areas identified as having a landslide hazard. Review of the project site and surrounding area indicate that there are no steep slope areas in the vicinity.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development will increase the amount of impervious surface on the site. This increase would result in the loss of topsoil. However, the effects of the project on soil erosion and loss of topsoil would not be substantial as the project site is relatively flat with planned drainage facilities reducing effects of erosion and topsoil loss. The impact would be less than significant.

- 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: LESS THAN SIGNIFICANT IMPACT:

No geologic unit or unstable soil was identified on the project site. The proposed development is subject to the most current building code which will ensure safe development of the site taking into consideration existing site conditions.

- D. 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:

Per Figure 7-1 of the FCGPBR, the project site is not located in areas of Fresno County identified as having expansive soils.

- E. 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?

FINDING: NO IMPACT:

The project does not require construction of a wastewater disposal system.

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

FINDING: NO IMPACT:

No paleontological or unique geologic feature was identified on the project site. As such, the project will not destroy a unique paleontological or unique geologic feature.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Impact Analysis (AQ/GHG Analysis)*, prepared for the project, a Greenhouse Gas Emissions Analysis was conducted to estimate project emissions of CO₂e (Carbon Dioxide Emissions) for construction and operation of the project. Estimated construction emissions over a two-year schedule would total 2190.78 metric tons per year of CO₂. As the project would last for 20 years, the amortized construction emission over 20 years would be 109.54 metric tons per year of CO₂. As construction emissions are short-term impacts, the increase in GHG emissions is considered less than significant.

Direct emissions of GHG from the operation of vehicles or equipment would be negligible. The proposed facility would be unstaffed and would require minimal maintenance vehicle trips to the project site. GHG emissions during operation would result primarily from energy consumption. The indirect GHG emissions associated with long-term operation of the project were estimated shows that the indirect GHG emissions from the Project operation would be 582.73 MT per year.

The anticipated total GHG emissions of the amortized project construction emissions and operation emissions would be 692.27 MT per year, which is less than the California Air Pollution Control Officers Association (CAPCOA) interim GHG emission threshold of 900 MT per year.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the *Air Quality and Greenhouse Gas Impact Analysis (AQ/GHG Analysis)* the San Joaquin Valley Air Pollution Control District's CEQA guidance for GHGs states that a project would not have a significant GHG impact if it is consistent with an applicable plan to reduce GHG emissions. The project involves the construction, operation, and maintenance of a battery energy storage system that would add reliability to the California's electric grid.

Per the *AQ/GHG Analysis*, the project would be consistent with the provisions of Assembly Bill (AB) 32, Senate Bill (SB) 32, 2022 Scoping Plan (CARB 2022) and the Fresno Council of Governments (FCOG) Sustainable Communities Strategy (SCS). The project would also be consistent with SB 375 which requires metropolitan planning organizations to prepare an SCS in the RTP (Regional Transportation Plan). The FCOG's 2022 RTP/SCS links transportation funding decisions to land use to decrease GHG emissions from cars and light-duty trucks. The project would be unstaffed, and operational control would be from an offsite control room. Operational staff would perform periodic inspections and maintenance as necessary; therefore, the project would not affect the transportation and land use patterns analyzed or assumed in long-range planning in the FCOG's RTP/SCS.

No reviewing agencies and departments expressed concern with the project to indicate a significant impact from GHG generation or a conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would therefore not contribute substantially to cumulative greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Department of Public Health, Environmental Health Division review of the project, the following shall be required as Project Notes: 1) Facilities that 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; and 2) the project will handle hazardous materials and/or hazardous waste and will require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

In considering the project scope and required compliance of Local and State requirements for hazardous materials as noted above, the project would have a less than significant impact.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

There are no existing or proposed schools within a quarter mile of the project site. The nearest school, Reagan Elementary School, is located approximately 1.27 miles east of the project site. The project will have no impact on the area schools.

- 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 U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site. No impact would occur.

- 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 project site is not located within an airport land use plan and not within two miles of a public airport or public use airport. The nearest airport, Fresno-Yosemite International Airport, is approximately 6.45 miles northwest of the project site.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

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

FINDING: NO IMPACT:

The project will not expose persons or structures to wildland fire hazards. Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Department of Public Health, Environmental Health Division (Health Department) review of the project the following shall be included as Project Notes: 1) If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be applied for and secured from the Health Department; and 2) all water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor.

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

FINDING: NO IMPACT:

As the project will not utilize groundwater, no impact on groundwater supplies would occur.

The Water and Natural Resources Division of the Department of Public Works and Planning and the State Water Resources Control Board, Division of Drinking water

expressed no concerns with the project regarding water usage. During construction water will be brought in by trucks for dust control and miscellaneous construction activities. No water usage is anticipated during operations.

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; or
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
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?
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development will cause no significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. As per the Development Engineering Section, the project shall require approval of an Engineered Grading and Drainage Plan and shall obtain a grading permit or voucher prior to any onsite grading work.

No natural drainage channels run through the project site. The project is located within Consolidated Irrigation District (CID). No comments were received from CID.

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

FINDING: NO IMPACT:

According to the Federal Emergency Management Agency (FEMA) FIRM Panel 2155H, the project site is not subject to flooding from the 100-year storm. The project will not be subject to flood hazard.

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, no water usage is required during the project operation. The project is not in conflict with any Water Quality Control Plan for Fresno County. Regarding sustainable groundwater management plan, the project site is in the

Central Kings Groundwater Sustainability Area (CKGSA) which is administered by Consolidated Irrigation District (CID). The CID provided no comments on the project.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The project site is in an agricultural area outside of any city or unincorporated community. The nearest city, City of Sanger, is approximately 1.26 miles east of the site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Agriculture in the Fresno County General Plan which allows certain non-agricultural uses such as the proposed use by discretionary approval. The project would allow a battery energy storage system with related facilities on a 11.3-acre portion of a 37.56-acre AE- Zoned parcel. The project is consistent with the following General Plan policies:

Regarding consistency with General Plan Policy LU-A.1, the project will temporarily occupy a Prime Farmland for 20 years and then it will be decommissioned, and the property will put back into agricultural use. The project does not require public facilities such as sewer, water, and storm drainage from a city or an unincorporated community.

Regarding consistency with Policy LU-A.12, Policy LU-A.13, Policy LU-A.14, the project is allowed on farmland and meets General Plan Policy LU-A.1 as discussed above; will be fenced off by a 7-foot-high perimeter fencing for separation from the surrounding farmland; and will adhere to all mitigation measures in this report, including the implementation of a Restoration Plan to restore the site to farming operations after the facility operations cease.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project 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 project will generate temporary construction-related noise and virtually no long-term operation-related noise.

According to the Department of Public Health, Environmental Health Division, the project can potentially expose nearby residents (The closest is approximately 276 feet northwest of the construction site) to elevated noise level, and therefore, shall adhere to the Noise Elements of the County Ordinance Code. No Noise Study was required for the project.

- 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?

FINDING: NO IMPACT:

Per the discussion in Section IX. E. above, the project will not be impacted by airport noise.

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 project involves no housing. As such, no increase in population would occur.

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: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District (FCFPD) the project shall comply with California Code of Regulations Title 24 – Fire Code; construction plans shall be submitted to the County prior to receiving FCFPD conditions of approval for the project; and shall annex into Community Facilities District No. 2010-01 of FCFPD.

- 2. Police protection; or

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the project to indicate that it would result in adverse impacts to service ratios, response times, or other performance objectives of the listed services.

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:

The project will not induce population growth which may require new or expanded recreational facilities in the area.

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: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The project area is rural in nature and is not planned for any transit, bikeways, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan.

According to the Transportation Planning Unit (TPU) of the Department of Public Works and Planning, the daily traffic generated by the project is expected to be minimal and does not warrant the need for a Traffic Impact Study (TIS). However, in lieu of TIS, a Traffic Management Plan (TMP) shall be prepared for the project to address potential impacts during the construction phase of the project. The TMP shall be provided prior to the issuance of building permits and required as a Condition of approval, implementation of TMP will reduce traffic impacts to less than significant.

According to the Road Maintenance and Operations (RMO) Division, McCall Avenue is a County maintained road classified as an Arterial with an existing 60-foot of prescriptive road right-of-way. McCall Avenue requires 106 feet of ultimate right-of-way per the Fresno County General Plan. A Condition of Approval would require that 23 feet of the property frontage along McCall Avenue shall be dedicated in additional right-of-way for McCall Avenue.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts in CEQA* dated December 2018 (OPR Technical Advisory) indicates that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact.

Per the project review by Transportation Planning Unit of the Department of Public Works and Planning, the project operation will be monitored remotely and requires no regular staff on site. Regular site visit for operations and maintenance will occur four times in a year by service personnel generating traffic trips of up to two vehicles per

quarter. As the project will generate fewer than 110 trips per day, no VMT analysis was required for the project. The impact on transportation would 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of project design with the proposed access from McCall Avenue is not expected to create traffic hazards due to the current roadway configuration and additional right-of-way to be provided for McCall Avenue.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project review by Traffic Planning Unit and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning including the Fresno County Fire Protection District did not identify any concerns regarding emergency access. The project development will be subject to all local and state requirements for site access for emergency vehicles.

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:

The project site is not located in an area sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to participating California Native American Tribes namely Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain

Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe expressed concerns with the project or requested for consultation. The Table Mountain Rancheria indicated that in the unlikely event cultural resources are identified, the tribe should be notified. With the implementation of Mitigation Measure included in Section V CULTURAL ANALYSIS of this report, any potential impact to tribal cultural resources would be reduced to a less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will temporarily occupy farmland with less than significant environmental effect. No relocation or construction of new electric power, natural gas, or telecommunications facilities is expected from the project.

- 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:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- 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:

The project does not require construction of any wastewater disposal system.

- 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:

The project is not expected to generate significant amount of solid waste during construction. Once built, the project will not produce any waste.

Reviewing agencies and departments did not express concern with the project to indicate conflict with State or local standards for solid waste management, reduction, or capacity goals.

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 within or near State Responsibility Area or lands classified as very high fire hazard severity zones. No impacts would occur.

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 would establish a battery energy storage system with a 20 years of life span on agricultural land. No reviewing agency expressed any concern with the project

having an adverse impact on fish or wildlife species, or on any potential suitable habitat for special status species.

No impact is expected on biological resources and the impact on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure included in Section V. CULTURAL RESOURCES of this report.

- 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:

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT

Based on comments received from reviewing agencies and County Departments, the project will not cause substantial adverse effects on human beings, either directly or indirectly

CONCLUSION/SUMMARY

Based upon the Initial Study No. 8116 prepared for Unclassified Conditional Use Permit Application No. 3718, 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 ~~biological resources~~, energy, mineral resources, population and housing, recreation, utilities and service systems, and wildfire.

Potential impacts related to air quality, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral

resources, public resources, transportation, and tribal cultural resources have been determined to be less than significant.

Potential impacts to aesthetics, **biological resources**, agricultural and forestry resource, and cultural resources have been determined to be less than significant with the identified Mitigation Measure.

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.

EA:jp

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EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: IS 8116	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): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Apache Energy Storage 1, LLC		Project Title: Unclassified Conditional Use Permit Application No. 3718		
Project Description: Allow the construction, operation, and ultimate decommissioning of a battery energy storage system consisting of lithium-ion based battery modules housed in purpose-built metal enclosures with integrated power conversion equipment, fire suppression system, transformer and 115kV transmission poles for the overhead wires crossing McCall Avenue for interconnection to nearby PG&E Sanger substation. The project will be located on an approximately 11.3-acre portion of a 37.56-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District. The project site is located on the northeast corner of S. McCall and E. Jensen Avenues approximately 1.25 miles west of the city limits of City of Sanger (APN 314-080-36) (10018 E. Jensen Avenue, Sanger) (SUP. DIST. 4).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8116) prepared for Unclassified Conditional Use Permit Application No. 3718, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related biological resources, energy, mineral resources, population and housing, recreation, utilities and service systems or wildfire. Potential impacts related to, air quality, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, public resources, transportation, and tribal cultural resources have been determined to be less than significant. Potential impacts related to aesthetics, agriculture and forestry resources, and cultural resources have been determined to be less than significant with the included Mitigation Measure. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – March 31, 2023			Review Date Deadline: Planning Commission – May 18, 2023	
Date: March 24,, 2023	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):		

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**