



County of Fresno

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

February 24, 2024

Key Energy Storage, LLC
700 Universe Blvd.
Juno Beach, FL, 33408

Dear Applicant:

Subject: Resolution No. 13063 – Environmental Impact Reports No. 8189 and Unclassified
Conditional Use Permit Application Nos. 3734, 3802, 3803, 3804

On October 10, 2024 the Fresno County Planning Commission approved your above-referenced project. A copy of the Planning Commission Resolution is enclosed.

If you have any questions regarding the information in this letter please contact Jeremy Shaw at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

JS:jp

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Enclosure



Inter Office Memo

DATE: October 10, 2024

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13063 – ENVIROMENTAL IMPACT REPORT NO. 8189
and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NOS.
3734, 3802, 3803, 3804

APPLICANT: Key Energy Storage, LLC

OWNERS: Michael Dresick, Trustee of the (Ann Dresick Family; and,
Rebecca Kaser, Trustee of the Rebecca L. Avellar Living
Trust.

REQUEST: Allow the operation, maintenance and future
decommissioning of a battery energy storage facility on
approximately 260-acres, in conjunction with a new
transmission line measuring approximately 2,500 feet in
length, with 500-kilovolts, intended to connect with the
existing PG&E Gates Substation located north of the
project site. The project is in the AE-40 (Exclusive
Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of W. Jayne
Avenue, between Interstate 5 and S. Lassen Avenue
(State Route 269), and approximately 3.8 miles southwest
of the City of Huron. The project site comprises
approximately 260-acres of three parcels totaling 318-
acres (APNs: 085-040-58, 085-040-36, and 085-040-37)
(Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of October 10, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Commissioner Chatha to certify the Environmental Impact Report prepared for the project and adopt the CEQA Findings of Fact included in the Staff Report, and determine that the required Findings for the Conditional Use Permits can be made, and approve Unclassified Conditional Use Permit Nos. 3734, 3802, 3803 and 3804, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 13063

This motion passed on the following vote:

VOTING: Yes: Commissioners Arabian, Chatha, Abrahamian, Borchardt, Carver,
 Hill, Quist, and Zante

 No: None

 Absent: Commissioner Whelan

 Recused: None

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

By: 
Chris W. Motta, Manager
Development Services and Capital Projects Division

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

Attachments

EXHIBIT A

Environmental Impact Report No. 8189
Unclassified Conditional Use Permit Application Nos. 3734, 8102, 8103 and 8104

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 10, 2024, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions, and added the following information:
- We own and operate two other renewable energy projects within Fresno County.
 - The project site was selected largely due to its proximity to the PG&E Gates substation.
 - The project will utilize a low amount of water.
 - The project supports the State's renewable energy goals.
 - Decommissioning may include the repurposing of certain batteries as new technologies emerge; however, others will be subject to disposal.
- Others: Four other individuals presented information in support of the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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Mitigation Monitoring and Reporting Program
Key Energy Storage project Unclassified conditional use permit nos. 3734, 3802,3803 and 3804; and
Environmental Impact Report No. 8189

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Aesthetics				
Impact 3.2-2: The Project would not create a new source of light and glare that would adversely affect day or nighttime views in the area.	Applicant-Proposed Measure 2.5.9.1, Glare and Lighting: To reduce potential impacts on aesthetics from nighttime lighting and daytime glare, the Applicant proposes to provide the minimal amount of lighting required for safety, and a security lighting system that would be motion-activated (rather than timed to remain on from dusk to dawn); and shielding or directing lighting downward to minimize off-site impacts, including on nighttime skies.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning
Impact 3.2-3: The Project would not cause a cumulatively considerable contribution to any significant adverse impact on aesthetic resources.	Implement Applicant-Proposed Measure 2.5.9.1; see measure text, above.	See Applicant-Proposed Measure 2.5.9.1, above.		
Biological Resources				
Impact 3.5-1: The Project could 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,	Mitigation Measure 3.5-1, Protection of San Joaquin Kit Fox: Preconstruction surveys shall be conducted by a qualified biologist for the presence of San Joaquin kit fox dens within 14 days before the start of construction activities. The surveys shall be conducted in areas of suitable habitat for San Joaquin kit fox. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days before	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Preconstruction surveys to occur within 14 days prior to construction; protection

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	that portion of the site is disturbed. If no potential San Joaquin kit fox dens are present, no further mitigation is required. If the qualified biologist observes potential dens and determines, in consultation with the Project owner and the County, that avoidance is feasible (as defined in CEQA Guidelines Section 15364), buffer distances shall be established before each phase of construction activities consistent with the USFWS [1999] <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox</i>. If avoidance of the potential dens is not feasible, the following measures shall be implemented prior to ground disturbance within 100 feet of the den to avoid potential adverse effects on the San Joaquin kit fox: ☐ If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent coyotes, foxes, or other animals from reusing them during construction per USFWS (1999) guidance. ☐ If the qualified biologist determines that a potential non-natal den may be active, an on-site passive relocation program shall be implemented prior to ground disturbance within the established buffer with prior approval from USFWS. This program shall consist of excluding San Joaquin kit foxes from occupied burrows by installing one-way doors at burrow entrances, monitoring the burrow for 72 hours to confirm that usage has been discontinued, and excavating and collapsing the burrow to prevent reoccupation. After the qualified biologist determines that the San Joaquin kit foxes have stopped using active dens within the		Could include coordination with CDFW and/or USFWS	measures to be implemented during construction and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Project boundary, the dens shall be hand-excavated as stated above for inactive dens.			
	Mitigation Measure 3.5-2, Worker Environmental Awareness Training and Best Management Practices for Biological Resources. During construction, operation and maintenance, and decommissioning of the facility, the Project owner and/or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox and other special-status wildlife species: • Prior to initiation of ground-disturbing activities and for each phase of construction or decommissioning activities, the Project owner or its contractor shall implement a worker environmental awareness program (WEAP) to train construction personnel on how to recognize and protect biological resources on the Project site. The WEAP training shall include a review of the special-status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting nesting birds protected under the MBTA, San Joaquin kit fox, and Swainson's hawk. The WEAP training shall indicate the appropriate steps to be taken if a special-status species is observed, which may include work stoppage and coordination with CDFW and USFWS.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee. Could include coordination with CDFW and/or USFWS	WEAP training to occur prior to initiation of ground disturbing construction; all new construction personnel shall receive WEAP training prior to commencing work on site; wildlife avoidance measures to be implemented during construction

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	• The Project owner shall limit areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging before construction to avoid special-status species, under the guidance of a qualified biologist. Construction-related activities, vehicles, and equipment outside of the impact zone shall be avoided. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. ☐ To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by construction personnel for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow them to escape. If a special-status species is trapped, USFWS and/or CDFW shall be contacted immediately. • All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected by			

	construction personnel for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal either has been captured and relocated by the qualified biologist. If the trapped animal is a special-status species, USFWS and/or CDFW shall be consulted before relocation. • Before moving vehicles and equipment parked on the site, construction personnel shall inspect the ground beneath the vehicles and equipment for the presence of wildlife. ☐ Vehicular traffic shall use existing routes of travel. Cross-country vehicle and equipment use outside of the Project properties shall be prohibited. ☐ A daytime speed limit of 20 miles per hour shall be enforced within all construction areas. Night-time construction shall be minimized to the extent possible. If work is conducted at night, a night-time speed limit of 10 mph shall be enforced for protection of wildlife. ☐ A long-term trash abatement program shall be established for construction, operation, and decommissioning and shall be submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven (<i>Corvus corax</i>), coyote (<i>Canis latrans</i>), and feral dogs. ☐ Workers shall be prohibited from bringing pets (excluding service animals) to the Project site and from feeding wildlife in the vicinity.		
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Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Intentional killing or collection of any wildlife species shall be prohibited.			
	Mitigation Measure 3.5-3, Protection of Nesting Birds: If construction is scheduled to commence outside of nesting season (September 16 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. During the nesting bird breeding season (February 1 to September 15), to avoid impacts on nesting birds in the Project site and immediate vicinity, a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site where vegetation removal or ground disturbance is planned. The survey shall be performed within the site and shall also include potential nest sites within a 0.5-mile buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope. Surveys shall be conducted no more than 10 days prior to each phase of construction activities. If construction is halted for 10 days or more, the area shall be re-surveyed prior to resuming work. Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer around active nests (e.g., 500 feet for common raptors; 0.5 mile for Swainson's	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee. Could include coordination with CDFW and/or USFWS	If construction is scheduled during nesting season (Feb. 1-Sept. 15) preconstruction nesting bird surveys to be conducted no more than 10-days prior to construction; buffer to be established prior to construction, if active nests are found

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	hawk; 100 feet for passerines) shall be established and no construction within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of the qualified biologist in coordination with CDFW.			
	Applicant-Proposed Measure 2.5.9.3, Erosion and Sediment Control and Pollution Prevention: Project activities would comply with all applicable San Joaquin Valley Air Pollution Control District rules and regulations, including Rule 9510 (Indirect Source Review) and Regulation VIII (Fugitive Dust Rules). Dust control merits further attention on the Project site because Coccidioidomycosis, more commonly known as <i>Valley Fever</i>, is highly endemic in Fresno County. Valley Fever is primarily a disease of the lungs caused by the spores of the <i>Coccidioides immitis</i> fungus. The spores naturally occur in soils in this region, can become airborne when the soil is disturbed, and can subsequently be inhaled into the lungs. The potential exists for both dust and cocci spores to be stirred up during work activities that disturb the soil, such as digging, grading, or other earth-moving operations or vehicle operation on dirt roads or during high winds, and thereby to expose construction workers and others to the potential of contracting Valley Fever. To reduce the potential for causing or exacerbating exposure to dust and the cocci spores, the Applicant proposes to do the following:	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	☐ Minimize soil disturbance where feasible (e.g., by limiting trenching and excavations). ☐ Provide effective awareness training on Valley Fever to construction personnel and all other on-site personnel before the person begins work (and annually thereafter) that is reasonably anticipated to cause exposure to substantial dust disturbance, where “substantial dust disturbance” means visible airborne dust for a total duration of 1 hour or more on any day. ☐ Use water-based dust suppression or appropriate soil stabilizers on Project roads during construction and decommissioning activities as well as during any time (including the O&M phase) when more than 10 vehicles are using unpaved interior accessways. ☐ Provide enclosed air-conditioned cabs for vehicles that generate dust and ensure that workers keep windows and outside air vents closed. ☐ Stabilize all spoils piles by tarping or other methods. ☐ Suspend outdoor work during heavy winds. ☐ Keep break areas and eating areas clean and protected from sources of dust to limit potential contamination of drinks and food. ☐ When feasible, keep workers upwind of digging and other dust-producing activities. ☐ Use vacuums equipped with high efficiency particulate air (HEPA) filters, water, wet towels, or other wet methods to clean soiled equipment, tools, and surfaces and avoid the use of			

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	compressed air, dry sweeping, or other methods that create dust when cleaning. ☐ Provide personal protective respiratory equipment when exposure to dust cannot be avoided. Other Project design features to minimize impacts on water quality include the following: No outdoor storage areas are proposed; no exterior wash-down areas are proposed; no on-site repair or maintenance bays or fueling areas are proposed; pest management would occur only as described in Section 2.5.9.6, Pest Management; and water quality controls would be maintained on an ongoing basis and periodic inspections would be conducted to ensure proper performance. Project construction would result in more than 1 acre of soil disturbance. As a result, the Applicant would prepare, file, and implement a storm water pollution prevention plan (SWPPP) in accordance with the State of California's General Permit for Stormwater Discharges Associated with Construction Activities (2022-0057-DWQ). The SWPPP would include measures to limit erosion and off-site transport of pollutants from construction activities. The plan would designate best management practices that would be followed during construction to help stabilize disturbed areas and reduce erosion, sedimentation, and pollutant transport. Further, the Project has been designed consistent with Low Impact Development standards such as minimizing impermeable surfaces and using gravel surfacing where possible instead of hardscape surfaces. Impermeable surfaces are broken into individual areas that would drain through gravel that			

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	would help maximize infiltration and to disperse flows, and through bioretention swales that would further slow runoff and facilitate infiltration. Retention basins are proposed as described in Section 2.5.4.5, Stormwater Facilities. See Figure 2-3 and Figure 2-4.			
	Applicant-Proposed Measure 2.5.9.5, Wildlife-Friendly Design Features: Hollow vertical tubes (e.g., chain-link fencing posts) on the Project site would be capped to prevent potential entrapment of birds or other small species. Further, the design of new overhead transmission and communications lines and structures would follow the most recent Avian Power Line Interaction Committee (APLIC) guidance to reduce the potential for avian injury and mortality from collisions and electrocution. At the time this Draft EIR was prepared, that guidance included <i>Suggested Practices for Avian Protection on Power Lines</i> (APLIC 2006) and <i>Reducing Avian Collisions with Power Lines</i> (APLIC 2012). The proposed use of motion-activated security lighting (rather than lighting that would remain on from dusk to dawn) would further reduce adverse impacts to nocturnal species, potentially including foraging, sheltering, mating and reproducing, communicating, and migrating behaviors.	Project owner or its designee	Fresno County Department of Public Works and Planning, Services Division, and/or its designee.	During construction and operation, and decommissioning of the project
Impact 3.5-2: The Project would not interfere substantially with the movement of any native resident or migratory fish or	Implement Applicant-Proposed Measure 2.5.9.5; see measure text, above.	See Applicant-Proposed Measure 2.5.9.5, above.		

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.				
Impact 3.5-3: The Project would conflict with General Plan Goal OS-E, which protects wildlife resources.	Implement Mitigation Measures 3.5-1, 3.5-2, and 3.5-3, see text of measures, above.	See Applicant-Proposed Measures 3.5-1, 3.5-2, and 3.5-3, above.		
Pests within the Project site.	Applicant-Proposed Measure 2.5.9.6, Pest Management: The Applicant has prepared a draft integrated pest management (IPM) plan that includes pest control measures to minimize the likelihood of pests (including weeds) within the Project site and to maximize the ability to reduce the current pest population, if present. A copy of the draft IPM plan is provided in DEIR Appendix B2, <i>Draft Integrated Pest Management Plan</i>, which explains that the plan “promotes the use of a range of preventative and non-chemical approaches to control pest populations and stave off infestation. If an infestation with unacceptable impacts occurs, thereby warranting additional treatment, IPM protocol favors the use of least-toxic pesticides. The targeted application of a toxic pesticide is allowed only after all other reasonable non-toxic options are exhausted.”	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning of the project

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Cultural Resources Impact 3.6-1: Ground-disturbing activities associated with the Project could cause a substantial adverse change in the significance of a newly discovered historical or archaeological resource, as defined in CEQA Guidelines Section 15064.5.	Mitigation Measure 3.6-1: Cultural Resources Awareness Training. The Project Applicant shall retain a qualified archaeologist during each construction phase to carry out all mitigation measures related to archaeological and historical resources. Prior to the start of any ground-disturbing activities for each construction phase, the Project Applicant shall ensure that the qualified archaeologist has conducted cultural resources awareness training for all construction personnel participating in Project ground-disturbing activities. Additional cultural resources awareness trainings will be conducted for new construction personnel participated in Project ground-disturbing activities who may join the Project after the start of each construction phase. A Native American–designated representative shall be invited to attend and provide additional materials during each training. The training shall include an overview of potential cultural resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. A sign-in sheet shall be completed, retained by the Project construction contractor for the duration of Project construction to demonstrate attendance at the awareness training, and provided to the County upon the completion of Project construction.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Mitigation Measure 3.6-2, Inadvertent Discovery of Cultural Resources: In the event archaeological materials are encountered during Project construction activities, the Project construction contractor shall immediately cease any ground-disturbing activities within 100 feet of the find. The qualified archaeologist (and a Native American–designated representative if the resource is Native American–related) shall evaluate the significance of the resources for California Register of Historical Resources eligibility and recommend appropriate treatment measures to the County and the Applicant. Per CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist (in coordination with a Native American–designated representative if the resource is Native American–related) shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric, tribal cultural resources, or Native American in nature. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County and to the Southern San Joaquin Valley Information Center. Construction can recommence based on direction of the qualified archaeologist with the County’s agreement.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Impact 3.6-2: Ground-disturbing activities associated with the Project could cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).	Implement Mitigation Measures 3.6-1 and 3.6-2, see text of measures above.	See Mitigation Measures 3.6-1 and 3.6-2, above.		
Impact 3.6-4: The Project would contribute to a less-than-significant cumulative impact on cultural resources and tribal cultural resources.	Implement Mitigation Measures 3.6-1 and 3.6-2, see text of measures above.	See Mitigation Measures 3.6-1 and 3.6-2, above.		
Geology and Soils				
Impact 3.8-4: The Project would not result in substantial soil erosion or loss of topsoil.	Implement Applicant-Proposed Measure 2.5.9.3; see measure text, above.	See Applicant-Proposed Measure 2.5.9.3, above.		
	Applicant Proposed Measure 2.5.9.8, Compliance with Applicable Laws and Standards: The Applicant would comply with all applicable laws and standards, which may include but would not be limited to those governing the following: ☐ The use, storage, and disposal of hazardous materials, specifically:	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division,	During all phases of the project

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	- U.S. Department of Transportation regulations found at Code of Federal Regulations (CFR) Title 49, Part 172 (49 CFR 172) and 49 CFR 173, which include requirements for hazardous material transport licensing, packaging and containment standards, labeling, and other protection measures to prevent hazardous-materials incidents during transport and to facilitate response in the event of an incident involving hazardous materials. - Requirements of the California Highway Patrol, California State Fire Marshal, U.S. Environmental Protection Agency, and California Department of Toxic Substances Control. These include the requirements to submit and maintain a Hazardous Materials Business Plan and be subject to periodic inspections by the Certified Unified Program Agency (here, Fresno County's HazMat Compliance Program) for safe operations related to hazardous materials. ☐ Worker training and safe work practices, such as would occur under a comprehensive hazard communication program pursuant to 29 CFR 1910 to ensure that construction workers are knowledgeable in the identification and proper handling of hazardous materials to avoid spills or other upset conditions that could otherwise result in unsafe exposure. ☐ Air quality, such as the San Joaquin Valley Air Pollution Control District's indirect source rule and fugitive dust regulation.		and/or its designee.	

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	- Water quality. - Energy storage systems more generally. Compliance with these requirements would avoid or reduce potential adverse environmental impacts related to soil, air quality, surface water and groundwater quality, human health, fire related risk, and other environmental considerations.			
Impact 3.8-8: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Mitigation Measure 3.8-1, Paleontological Monitoring: The qualified paleontologist shall oversee paleontological monitoring of all excavation at depths at or greater than 10 feet in previously undisturbed sediments. Monitoring shall be conducted by a paleontological monitor meeting the standards of the SVP (2010). If a paleontological resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact the qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any significant fossils encountered and recovered shall be catalogued and curated at an accredited institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository. The qualified paleontologist shall prepare a report documenting	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	evaluation and/or additional treatment of the resource. The report shall be filed with the County and with the repository.			
Impact 3.8-11: The Project would not cause or contribute to a significant cumulative effect to paleontological resources.	Implement Mitigation Measure 3.8-1; see measure text, above.	See Mitigation Measure 3.8-1, above.		
Hazards and Hazardous Materials				
Impact 3.10-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Implement Applicant-Proposed Measure 2.5.9.6; see measure text, above.	See Applicant-Proposed Measure 2.5.9.6, above.		
	Implement Applicant-Proposed Measure 2.5.9.8; see measure text, above.	See Applicant-Proposed Measure 2.5.9.8, above.		
Impact 3.10-2: The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the energy storage system and release of hazardous materials into the environment.	Mitigation Measure 3.10-1, Soil Management Plan: The Applicant shall require that its contractor(s) develop and implement a soil management plan before the start of any ground-disturbing activity. The soil management plan shall describe the hazardous materials that may be encountered (specifically, the previously noted areas that may have contaminated soil); the roles and responsibilities of on-site workers and supervisors; training for site workers focused on the recognition of and response to encountering the hazardous materials; and protocols for testing the soil to evaluate the proper handling, removing,	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	transporting, and disposing of all excavated materials in a safe, appropriate, and lawful manner. Prior to issuance of grading permits, soil shall be tested for total petroleum hydrocarbons near the on-site agricultural wells and pumps, fuel ASTs, turbine oil ASTs, diesel powered agricultural engines, and engine oil ASTs under the supervision of a professional geologist or professional engineer. In addition, soil shall be tested at four locations in a grid pattern and analyzed for pesticides and metals. The County shall review the results of the soil sampling to determine if any additional investigation or remedial activities are deemed necessary. No work shall resume in that area until the County has provided written authorization that the area does not warrant any additional action. If concentrations of contaminants are identified in areas of the Project site and are confirmed to pose a potential risk to human health and/or the environment by a qualified environmental specialist, contaminated materials shall be remediated either prior to or concurrent with construction. Remediation shall generally include a management plan which establishes design and implementation of remediation. Cleanup may include excavation, disposal, bioremediation, and/or any other treatment of conditions subject to regulatory action. All necessary reports, regulations and permits shall be followed to achieve cleanup of the site. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation and under the direction of the lead oversight agency. The remediation program shall also be approved by the			

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	County. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.			
	Implement Applicant-Proposed Measure 2.5.9.2; see measure text, above.	See Applicant-Proposed Measure 2.5.9.2, above.		
Impact 3.10-4: The Project could impair implementation of or physically interfere with emergency response or emergency evacuation.	Mitigation Measure 3.10-2: Traffic Management Plan. At least 30 days prior to the issuance of construction or building permits, including for the initiation of on-site work to install power lines across West Jayne Avenue, the Project owner and/or its construction contractor shall prepare and submit a traffic management plan to the Fresno County Public Works Department and Caltrans District 6, as appropriate, for approval. The traffic management plan must be prepared in accordance with both the Caltrans <i>Manual on Uniform Traffic Control Devices</i> and <i>Work Area Traffic Control Handbook</i> and must include, but not be limited to, the following elements: ☐ A temporary traffic control plan that addresses traffic safety and control through the work zone, including during temporary lane closures (if needed) to accommodate materials delivery, transmission line stringing activities, or any other utility connections.	Project owner or its designee	Fresno County Department of Public Works and Planning, Services Division, and/or its designee.	Traffic Management Plan to be prepared prior to construction and implemented during construction; road repair to be implemented following construction, as applicable to approved agreement.

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	☐ Identification of the timing of deliveries of heavy equipment and building materials and duration of proposed road closures or obstructions. ☐ Requirement for designated construction staff to be assigned as flaggers to direct traffic into and/or through temporary traffic control zones, as needed. • Requirement to place temporary signage, lighting, and traffic control devices if required, including but not limited to appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic and to advise of alternate routes. ☐ Measures to ensure access for emergency vehicles to the Project site. ☐ Maintenance of access to adjacent properties. ☐ Specification of construction-related vehicle travel and oversize-load haul routes, minimization of construction traffic during the a.m. and p.m. peak hours, distribution of construction traffic flow across alternative routes to access the Project site, and avoidance of residential neighborhoods to the maximum extent feasible. ☐ Requirement to obtain all necessary permits for the work within the road right-of-way or the use of oversized/overweight vehicles that would utilize County-maintained roads, which may require escort by the California Highway Patrol or a pilot car. Copies of the approved traffic plan and issued permits shall be submitted to the Fresno County Divisions of Public Works and Planning.			

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	The traffic management plan elements listed above would reduce the potentially significant effects of short-term and intermittent construction-related congestion caused by construction vehicles/equipment on local roadways. ☐ Due to the anticipated volume of truck traffic associated with construction of the project, the applicant shall be required to construct a Hot Mix Asphalt (HMA) overlay on Jayne Avenue from Interstate 5 and extending across the project frontage, approximately 1.54 miles east of Butte Avenue. The overlay shall be constructed prior to issuance of any development permits.			
	Applicant-Proposed Measure 2.5.9.7, Emergency Action Plan: The Applicant recognizes that energy storage facilities, unless properly constructed, maintained, and operated, can create hazards for firefighters and emergency responders with the possibility of explosions, flammable gases, toxic fumes, water-reactive materials, electrical shock, corrosives, and chemical burns. As such, the Applicant proposes to construct and operate the facility in accordance with all applicable statutes, regulations, and other requirements, including by developing an emergency action plan in advance of construction to train local emergency response personnel during development and operation of the facility. The plan would be completed in accordance with existing state regulations (Health and Safety Code Section 25504(b); 19 Cal. Code Regs. 2731; 22	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Cal. Code Regs. 66262.34[a][4]). The contents of the emergency action plan would comply with existing state regulations, would be developed in consultation with the fire department and energy storage system supplier, and would include defined roles and responsibilities and training for local first responders.			
Impact 3.10-5: The Project would not cause or contribute to a significant cumulative hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving a release of hazardous materials into the environment.	Implement Mitigation Measure 3.10-1, see text of measures above.	See Mitigation Measure 3.10-1, above.		
Impact 3.10-6: The Project would not cause or contribute to a significant cumulative hazard due to physical interference with emergency response or emergency evacuation.	Implement Mitigation Measure 3.10-2, measure text, above.	See Mitigation Measure 3.10-2, above.		

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Metal Corrosion	Applicant-Proposed Measure 2.5.9.4, Corrosion Protection: Signage, fencing, and other outdoor structures would be designed to last the life of the Project. Corrosion protection would be provided, if determined to be needed, by selecting thicker metal posts, using galvanized metal posts (with sacrificial anode coating), or installing a cathodic protection system (electrical corrosion controls).	Project owner or its designee	Fresno County Department of Public Works and Planning, Services Division, and/or its designee.	Prior to and during construction
Hydrology and Water Quality				
Impact 3.11-1: The Project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	Implement Mitigation Measure 3.10-1; see measure text, above.	See Mitigation Measure 3.10-1, above.		
	Implement Applicant-Proposed Measure 2.5.9.3; see measure text, above.	See Applicant-Proposed Measure 2.5.9.3, above.		
	Implement Mitigation Measure 3.10-1; see measure text, above.	See Mitigation Measure 3.10-1, above.		
Impact 3.11-8: The Project would not cause a cumulatively considerable	Implement Mitigation Measure 3.10-1; see measure text, above.	See Mitigation Measure 3.10-1, above.		

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
contribution that could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.				
Noise				
Impact 3.14-1: The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project site in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	Mitigation Measure 3.14-1, Nighttime Noise Reduction for Construction Activities. Prior to issuance of construction permits for the project, the Project Applicant shall submit to the County for approval a construction noise reduction plan to be implemented by all contractors as a condition of contract. Contents of the plan should include at a minimum: ☐ Maintain all construction tools and equipment in good operating order according to manufacturers' specifications. ☐ Limit use of pile drivers and major excavating and earth-moving machinery to daytime hours. ☐ Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks. ☐ For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible.	Project owner or its designee	Fresno County Department of Public Works and Planning, Services Division, and/or its designee.	Prior to and during construction, operation, and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	☐ Limit possible evening and nighttime shift work to low-noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment such that noise levels at 50 feet are less than 80 dBA			
Transportation				
Impact 3.18-1: Construction of the Project would generate a temporary increase in traffic volumes on area roadways, which could conflict with a program, plan, ordinance, or policy addressing the circulation system.	Implement Mitigation Measure 3.10-2; see measure text, above.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning
Impact 3.18-4: The Project would not result in inadequate emergency access.	Implement Applicant-Proposed Measure 2.5.9.7; see measure text, above.	See Applicant-Proposed Measure 2.5.9.7, above.		
Impact 3.18-5: The Project could cause a cumulatively considerable contribution to a significant cumulative impact to transportation.	Implement Mitigation Measure 3.10-2; see measure text, above.	See Mitigation Measure 3.10-2, above.		

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Wildfire Impact 3.20-4: The Project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildfire.	Applicant-Proposed Measure 2.5.9.2, Fire Protection: The Applicant would implement the following fire protection, prevention, and detection measures and design features. Fire protection systems for each phase of the Project would be designed in accordance with the 2022 California Fire Code (California Code of Regulations [Cal. Code Regs. Title 24, Part 9] or the version of the Fire Code that is current at the time of construction. The Project could install lithium-ion batteries and/or iron-flow storage technology. Enclosures for either technology would be unoccupied. Flow batteries are generally not flammable and do not require fire suppression systems. Flow battery tanks would be designed to have containment in the event of a failure. To mitigate potential hazards, redundant separate methods of failure detection would be implemented. Remote alarms would be installed for operations personnel as well as emergency response teams including voltage, current, and temperature alarms from the battery management system. Other protective measures are proposed to include ventilation, overcurrent protection, battery controls to operate the batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. In addition, an emergency response plan would be implemented as described in Section 2.5.9.7, <i>Emergency Response Plan</i>.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction, operation, and decommissioning

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	The Project's proposed fire protection design would comply with Section 1206 Electrical Energy Storage Systems, which adopts the National Fire Protection Association (NFPA) Standard for the Installation of Stationary Energy Storage Systems (NFPA 855). Depending on technology, Underwriters Laboratories (UL), an independent engineer's test method, would certify that the batteries to be used in this Project, if it is approved, are manufactured in accordance with UL-9540A, an industry-standard Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems. UL independently tests equipment for compliance with the latest fire safety code requirements. This test method was developed to minimize the risk of thermal runaway to address safety concerns about battery storage equipment raised by fire departments and building officials in the United States. Compliance with these standards and certification includes a Battery Management System design that detects high temperatures at the battery cell or battery module level and automatically shuts down the battery rack. Furthermore, installation of battery units would follow manufacturers' specifications for the spacing of batteries and clearance distances to further prevent a thermal runaway event. Each unit would also be equipped with thermal management systems. Power to the thermal management system would be provided through a connection to the on-site station service transformer with connection lines installed above and/or below ground and would be equipped with an uninterruptible power supply as described in Section 2.5.4.6.			

Impact	Mitigation Measure / Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Implement Applicant-Proposed Measure 2.5.9.7; see measure text, above.	See Applicant-Proposed Measure 2.5.9.7, above.		
	Implement Applicant-Proposed Measure 2.5.9.8; see measure text, above.	See Applicant-Proposed Measure 2.5.9.8, above.		

*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. The term Applicant is synonymous with the term developer.

Conditions of Approval	
1.	Development and operation of the project shall be substantially in accordance with the Site Plans and Operational Statement submitted to the Planning Commission.
2.	The project parcel identified as APN No. 085-040-58S must be removed from the Williamson Act Program through contract cancellation prior to issuance of any development permits.
3.	Prior to the issuance of development permits, the Applicant shall record with the County recorder a Right-to-Farm Notice indicating that adjacent agricultural operations shall not become a nuisance due to the changed condition of the Project site.
4.	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 (2) be subject to approval by the County of Fresno, and 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).

5.	The County of Fresno shall enter into an agreement with a Consultant to act as a Third-Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's Mitigation Measures and Conditions of Approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant shall pay all costs associated with the Consultant costs and Mitigation Monitoring.
6.	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third-Party Monitor.
7.	The Applicant/Developer shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction-related items necessary for the project and to hire employees from the local workforce; and commit to purchasing products and equipment from local (Fresno County) manufacturing facilities and vendors.
Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Developer.	
1.	Construction plans, building permits and inspections are required for all proposed improvements on the property.
2.	Use Permit Nos. 3734, 3802, 3803 and 3804, 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 more than two years.
3.	Prior to initiating construction, the developer shall be required to contact Underground Service Alert (811) to allow Westlands Water District staff to locate and mark its facilities prior to commencement of grading or construction activities.
4.	Per Article 19 Rules & Regulations of Westland Water District, the proposed water sources are on-site groundwater wells and through a Municipal & Industrial (M&I) water agreement secured with the District. The District will make available up to five (5) acre-feet annually per 160 acres for solar developments. If the Applicant's annual water use is expected to exceed the aforementioned amount, the Applicant must submit a supplemental M&I Water Application to the District and identify the source of water to be made available to meet the incremental increased use.

Project Notes	
5.	The project shall comply with California Code of Regulations Title 24– Fire Code and “Prior to receiving FCFPD conditions of approval for the project, the developer shall submit construction plans to the County of Fresno Public Works and Planning for review. The project may also be annexation into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
6.	To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following: • 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. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. • Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department. • All abandoned water wells and septic systems on the subject parcels shall be properly destroyed by an appropriately licensed contractor. . • Any underground storage tank(s) found during construction, shall be removed with an Underground Storage Tank Removal Permit from the Health Department. • Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. • Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures to prevent the spread of vectors to adjacent properties.

Project Notes	
	• In the process of demolishing the existing structures, if asbestos containing construction materials and materials coated with lead-based paints are encountered, contact the San Joaquin Valley Air Pollution Control District. • If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work contact the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (560) 620-5600, United States Environmental Protection Agency, Region 9 at (415) 947-8000, State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.