

## DOCKETED

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<b>Project Title:</b>	Darden Clean Energy Project
<b>TN #:</b>	253034
<b>Document Title:</b>	CEC App_Section 5-2_Land Use_Darden Clean Energy
<b>Description:</b>	This section describes the land uses present in the vicinity of the Darden Clean Energy Project site, as well as the potential impacts that may result from construction and operation of the Project related to land use.
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## 5.2 Land Use

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This section describes the land uses present in the vicinity of the Darden Clean Energy Project (Project) site, as well as the potential impacts that may result from construction and operation of the Project related to land use. Section 5.2.1 describes the existing environmental setting. Section 5.2.2 provides an overview of the regulatory setting related to land use. Section 5.2.3 identifies potential environmental impacts that may result from Project construction and operation (including maintenance), as well as mitigation measures that should be considered during Project construction and operation. Section 5.2.4 discusses cumulative impacts. Section 5.2.5 presents laws, ordinances, regulations, and standards (LORS) applicable to land use and the Project. Section 5.2.6 identifies regulatory agency contacts and Section 5.2.7 includes a description of the necessary land use permits required to construct and operate the Project. Section 5.2.8 provides a list of references used in the preparation of this section.

### 5.2.1 Environmental Setting

The State of California requires that cities and counties adopt comprehensive, long-term general plans for physical development within their jurisdictions. The comprehensive plans include a Land Use Element that establishes a desired pattern of appropriate land use, as well as policies and guidelines for the development of those uses. Local governments and their resource managers use local zoning ordinances, specific plans, and maps to implement a general plan's Land Use Element. In accordance with California Code of Regulations Title 20 Division 2 §1704 Appendix B, this section defines the study area as those areas within one mile of the Project site, except for proposed linear facilities (i.e., the proposed gen-tie line corridor), which have a 0.25-mile buffer. Figure 5.2-1 shows the location of the Project site and Project components. Figure 5.2-2a shows an overview of the parcels and proposed Project uses of the parcels within the study area, while Figure 5.2-2b through Figure 5.2-2h show the same in greater detail, including Fresno County Assessor's Office parcel numbers.

#### 5.2.1.1 Regional Setting

Fresno County is one of the eight counties that collectively form the greater San Joaquin Valley. Fresno County covers approximately 6,000 square miles stretching from the Coast Range Mountains in the west to the Sierra Nevada Range in the east. Major land uses in Fresno County are agriculture, public lands, and open space. The western portion of the County is dominated by agriculture and open space. Agriculture and agricultural processing are the main economic drivers in Fresno County, with approximately 50 percent of land used for agricultural purposes (County of Fresno 2023a).

The San Joaquin Valley, where Fresno County is located, is one of the most productive agricultural areas in the world; however, the area continues to see losses of farmland to traditional development in areas with soils with excess salinity left to idle (County of Fresno 2023a). The California Department of Conservation (DOC) reported Fresno County as the largest example of an area where previously identified high-quality agricultural lands are being reclassified to grazing lands or lesser-quality agricultural lands (County of Fresno 2023a). Specifically, this is the case in western Fresno County where agricultural land is intermittently not irrigated during dry years, depending on the availability of water supplies (County of Fresno 2023a). Recent drought has forced farmers to fallow hundreds of thousands of acres in Fresno County (University of California Berkeley 2016). Westlands Water District, which currently owns a majority of lands within the Project site, is actively pursuing retirement of 100,000 acres of agricultural land within its boundaries in order to reallocate

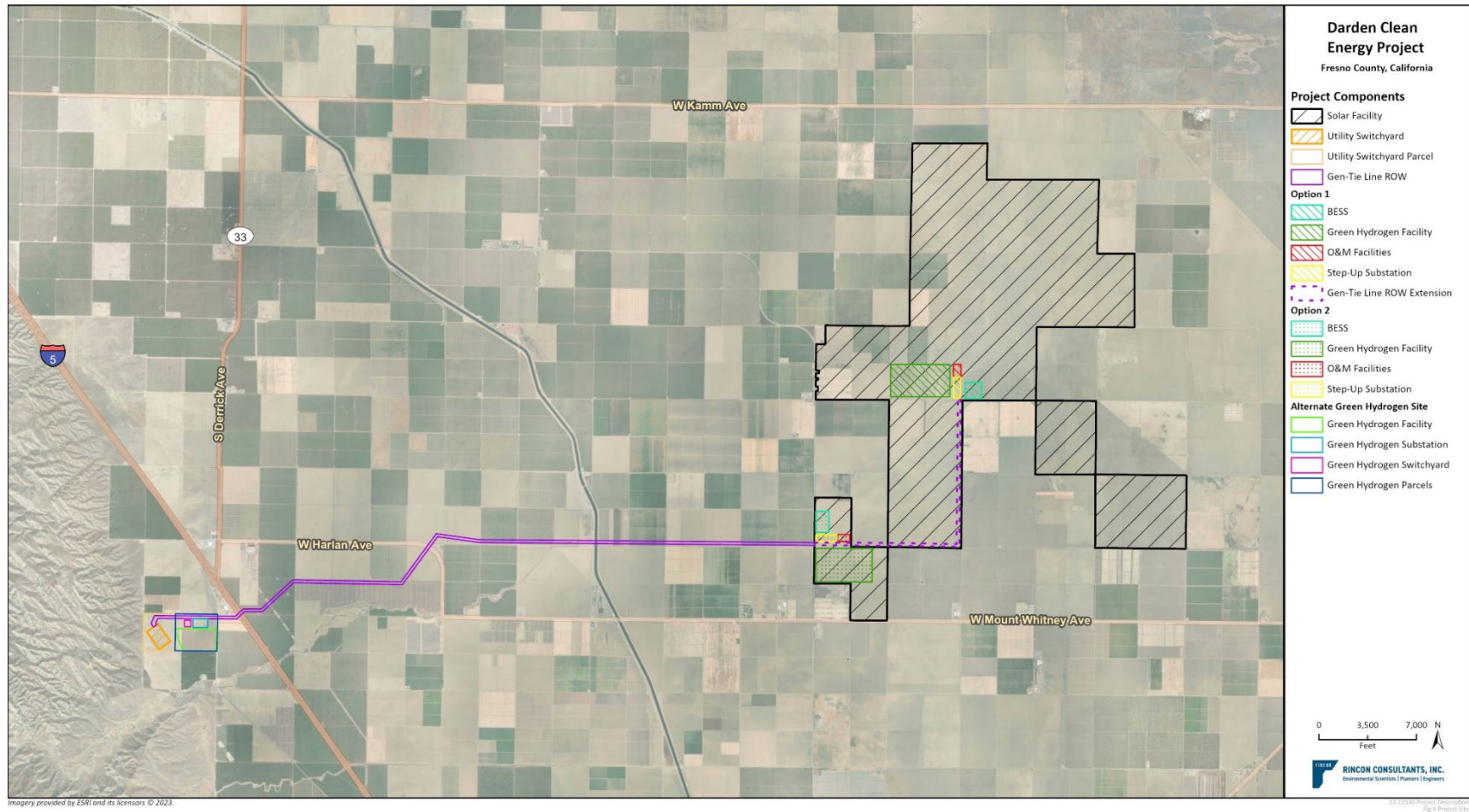
water to agricultural lands which are not impaired (Westlands Water District GSA and County of Fresno GSA-Westside 2022), including 9,100 acres on which the Project is located. This retirement of agricultural land will occur with or without the Darden Clean Energy Project. Another 500,000 acres of agricultural land in the San Joaquin Valley is expected to be retired in compliance with the Sustainable Groundwater Management Act (SGMA; see Section 5.2.5.2, *Local LORS*; PPIC 2023).

### 5.2.1.2 *Project Location*

The study area is bounded to the west by foothills west of Interstate 5, to the north by West Stroud Avenue, to the east by South Lake Avenue, and to the south by West Laguna Avenue. Figure 5.2-2 shows the legal parcel boundaries and Assessor's Parcel Numbers for the properties included within the Project footprint.

The Project's legal parcels are listed in Table 5.2-1 and shown in Figure 5.2-2a through Figure 5.2-2h. The Project is currently designed to adhere to setbacks of 50 feet from exterior parcel boundaries, but does not setback 50 feet from interior parcel boundaries. If required to comply with local zoning setback requirements from interior parcel lines, the Applicant would pursue merger of the parcels into one legal parcel, where feasible.

Figure 5.2-1 Project Site and Project Components





**Table 5.2-1 Assessor's Parcel Numbers within the Project Site**

Parcel Number (APN)	Parcel Size (acres)	Easement Size (acres)	Zoning	Active Williamson Act	Section Township Range	Last 10 Years Crop History	Subject to Land Retirement <sup>2</sup>
<b>Solar Facility, and Options 1 and 2 Step-up Substation and BESS</b>							
040-070-31	159.09	0	AE-20	No	S22 - 16S - 16E	Fallow and wheat	Yes
040-070-32	161.33	0	AE-20	No	S22 - 16S - 16E	Cotton, garlic, fallow, wheat, tomatoes	Yes
040-110-15	668.3	0	AE-20	No	S35 - 16S - 16E	Barley, grain hay, fallow, tomatoes, wheat	Yes
040-110-16	647.52	0	AE-20	No	S34 - 16S - 16E	Barley, cotton, garlic, fallow, onion, tomatoes, wheat	Yes
040-110-20	672.9	0	AE-20	No	S36 - 16S - 16E	Barley, fallow, wheat	Yes
040-110-21	160.21	0	AE-20	No	S26 - 16S - 16E	Barley, cotton, fallow, grain hay, wheat	Yes
040-110-23	4.64	0	AE-20	No	S26 - 16S - 16E	Cotton, fallow, grain hay, wheat	Yes
040-110-25	163.91	0	AE-20	No	S26 - 16S - 16E	Barley, fallow, grain hay, wheat,	Yes
040-110-27	161.81	0	AE-20	No	S27 - 16S - 16E	Fallow, wheat	Yes
040-110-28	161.28	0	AE-20	No	S27 - 16S - 16E	Cotton, fallow, garlic, tomatoes, wheat	Yes
040-110-29	161.68	0	AE-20	No	S27 - 16S - 16E	Barley, fallow, tomatoes, wheat	Yes
040-110-30	164.59	0	AE-20	No	S27 - 16S - 16E	Cotton, fallow, garlic, tomatoes, wheat	Yes
040-110-31	163.86	0	AE-20	No	S26 - 16S - 16E	Fallow, grain hay, wheat	Yes
040-110-32	157.15	0	AE-20	No	S26 - 16S - 16E	Cotton, fallow, grain hay, wheat	Yes
040-110-34	326.67	0	AE-20	No	S25 - 16S - 16E	Barley, cotton, fallow, wheat	Yes
050-020-47	614.63	0	AE-20	No	S4 - 17S - 16E	Cotton, fallow, garlic, onion, lettuce, seed crop, tomatoes, wheat	Yes
050-030-04	40.63	0	AE-20	No	S2 - 17S - 16E	Fallow, wheat	Yes
050-030-05	122.57	0	AE-20	No	S2 - 17S - 16E	Fallow, wheat	Yes
050-030-07	265.83	0	AE-20	No	S2 - 17S - 16E	Fallow, wheat	Yes
050-030-08	53.67	0	AE-20	No	S2 - 17S - 16E	Fallow, wheat	Yes
050-030-10	203.05	0	AE-20	No	S2 - 17S - 16E	Cotton, fallow, wheat	Yes
050-030-21	327.31	0	AE-20	No	S3 - 17S - 16E	Cotton, fallow, garlic, onion, tomatoes, wheat	Yes
050-030-24	157.83	0	AE-20	No	S12 - 17S - 16E	Cotton, fallow, wheat	Yes

Parcel Number (APN)	Parcel Size (acres)	Easement Size (acres)	Zoning	Active Williamson Act	Section Township Range	Last 10 Years Crop History	Subject to Land Retirement <sup>2</sup>
050-030-25	160.73	0	AE-20	No	S12 - 17S - 16E	Cotton, fallow, wheat	Yes
050-030-26	161.25	0	AE-20	No	S10 - 17S - 16E	Fallow	Yes
050-030-27	159.53	0	AE-20	No	S10 - 17S - 16E	Fallow	Yes
050-030-29	165.9	0	AE-20	No	S10 - 17S - 16E	Fallow, wheat	Yes
050-030-30	80.61	0	AE-20	No	S3 - 17S - 16E	Fallow, garlic, onion, tomatoes, wheat	Yes
050-030-31	81.3	0	AE-20	No	S3 - 17S - 16E	Cotton, fallow, garlic, lettuce, onion, tomatoes, wheat	Yes
050-030-32	241.35	0	AE-20	No	S02, 03 - 17S - 16E	Fallow, tomatoes, wheat	Yes
050-030-33	81.34	0	AE-20	No	S3 - 17S - 16E	Cotton, fallow, garlic, lettuce, onion, wheat	Yes
050-030-49	161.95	0	AE-20	No	S10 - 17S - 16E	Fallow, wheat	Yes
050-060-45	474.53	0	AE-20	No	S21 - 17S - 16E	Barley, fallow	Yes
050-060-46	52.26	0	AE-20	No	S16 - 17S - 16E	Cotton, fallow, wheat	Yes
050-060-47	52.33	0	AE-20	No	S16 - 17S - 16E	Fallow, wheat	Yes
050-060-48	103.71	0	AE-20	No	S16 - 17S - 16E	Barley, fallow, wheat	Yes
050-070-02	161.31	0	AE-20	No	S15 - 17S - 16E	Barley, fallow	Yes
050-070-41	79.36	0	AE-20	No	S15 - 17S - 16E	Barley, fallow	Yes
050-070-42	83.17	0	AE-20	No	S15 - 17S - 16E	Barley, fallow	Yes
050-070-43	160.53	0	AE-20	No	S15 - 17S - 16E	Barley, fallow, wheat	Yes
050-070-64	151.13	0	AE-20	No	S15 - 17S - 16E	Barley, fallow, wheat	Yes
050-080-01	782.78	0	AE-20	No	S18 - 17S - 17E	Cotton, fallow, wheat	Yes
050-070-63	5.95	0	AE-20	No	S15- 17S - 16E	Fallow	Yes
<b>Gen-tie Line Easement and Easement Extension</b>							
045-160-24	135.15	11.20	AE-40	Yes	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, grain, hay, idle, young perennials	No
045-160-23	8.88	2.23	AE-40	Yes	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, fallow, idle, young perennials	No

Parcel Number (APN)	Parcel Size (acres)	Easement Size (acres)	Zoning	Active Williamson Act	Section Township Range	Last 10 Years Crop History	Subject to Land Retirement <sup>2</sup>
045-160-22	61.13	61.13	AE-40	No	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, fallow, idle, young perennials	No
045-171-01	46.35	6.84	AE-40	No	S30 - 17S - 15E	Fallow; idle; truck, nursery, and berry crops	No
045-080-47	111.39	7.33	AE-40	No	S19 - 17S - 15E	Almonds, delicious fruits and nuts	No
045-080-38	317.58	21.00	AE-40	Yes	S19 - 17S - 15E	Almonds, delicious fruits and nuts, fallow, young perennials	No
045-080-17	315.16	33.67	AE-20	Yes	S20 - 17S - 15E	Almonds, delicious fruits and nuts	No
045-080-49	623.93	37.33	AE-20	Yes	S21 - 17S - 15E	Almonds, deciduous fruits and nuts, fallow, field crops, idle, young perennials	No
045-080-09	235.16	6.33	AE-20	Yes	S16 - 17S - 15E	Fallow, field crops, idle	No
045-070-51	158.15	16.67	AE-20	Yes	S15 - 17S - 15E	Fallow, field crops, idle	No
045-070-49	160.12	16.67	AE-20	Yes	S15 - 17S - 15E	Almonds, deciduous fruits and nuts, fallow, field crops, idle	No
045-070-04	40.00	8.33	AE-20	Yes	S14 - 17S - 15E	Almonds, deciduous fruits and nuts, garlic, miscellaneous truck crops, onion, young perennials	No
045-070-44	40.00	8.33	AE-20	Yes	S14 - 17S - 15E	Deciduous fruits and nuts; garlic, miscellaneous truck crops, onion, young perennials	No
045-070-45	159.65	16.67	AE-20	Yes	S14 - 17S - 15E	Deciduous fruits and nuts, fallow, garlic, onion, miscellaneous truck crops, tomatoes, young perennials	No
045-070-26	37.60	3.09	AE-20	No	S13 - 17S - 15E	Fallow, tomatoes	No
045-070-32	0.61	0.06	AE-20	Yes	S13 - 17S - 15E	Apples, deciduous fruits and nuts	No
045-070-37	283.61	13.67	AE-40	Yes	S19 - 17S - 15E	Apples; deciduous fruits and nuts; field crops; tomatoes; truck, nursery, and berry crops	No
045-070-35	320.00	16.67	AE-40	Yes	S19 - 17S - 15E	Field crops, tomatoes; truck, nursery, and berry crops	No
050-060-27	475.97	33.33	AE-20	Yes	S20 - 17S - 15E	Lettuce; tomatoes; truck, nursery, and berry crops	No
050-060-38	160.72	16.67	AE-20	Yes	S21 - 17S - 15E	Idle; miscellaneous truck crops; tomatoes; truck, nursery, and berry crops	No
050-060-24	118.13	16.67	AE-20	Yes	S16 - 17S - 15E	Garlic; onion; tomatoes; truck, nursery, and berry crops	No
050-060-48	103.71	0	AE-20	No	S15 - 17S - 15E	Fallow, grain, hay, idle	Yes
050-060-20	103.70	12.30	AE-20	Yes	S15 - 17S - 15E	Barley, fallow, wheat	No

Parcel Number (APN)	Parcel Size (acres)	Easement Size (acres)	Zoning	Active Williamson Act	Section Township Range	Last 10 Years Crop History	Subject to Land Retirement <sup>2</sup>
050-070-43	160.53	0	AE-20	No	S14 - 17S - 15E	Alfalfa and alfalfa mixtures, deciduous fruits and nuts, fallow, grain, hay, pistachios	Yes
050-070-02	161.31	0	AE-20	No	S14 - 17S - 15E	Barley, fallow	Yes
050-070-42	83.17	0	AE-20	No	S14 - 17S - 15E	Fallow, grain, hay, idle, wheat,	Yes
050-030-27	159.53	0	AE-20	No	S10 - 17S - 16E	Fallow, grain, hay, idle, wheat	Yes
050-030-26	161.25	0	AE-20	No	S10 - 17S - 16E	Fallow, grain, hay, idle, wheat	Yes
050-030-21	327.31	0	AE-20	No	S3 - 17S - 16E	Fallow; garlic; grain; hay; idle; onion; truck, nursery, and berry crops; wheat	Yes
<b>Green Hydrogen Facility (Option 1 and Option 2)</b>							
050-030-21	327.31	0	AE-20	No	S3 - 17S - 16E	Garlic, grain, hay, idle, onion, wheat	Yes
050-060-45	474.53	0	AE-20	No	S21 - 17S - 16E	Barley, fallow	Yes
<b>Green Hydrogen Facility (Alternate)</b>							
045-160-18	13.70	0	AE-40	No	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, idle, young perennials	No
045-160-21	93.86	0	AE-40	No	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, idle, young perennials	No
045-160-22	61.13	0	AE-40	No	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, idle, young perennials	No
045-160-23	8.88	0	AE-40	No	S25 - 17S - 14E	Almonds, idle, young perennials	No
<b>Utility Switchyard</b>							
045-160-24	139.03	0	AE-40	Yes	S25 - 17S - 14E	Almonds, deciduous fruits and nuts, grain and hay crops, idle, young perennials	No

<sup>1</sup> Parcel is also subject to a non-irrigation covenant which prohibits use of irrigation on the parcel.

<sup>2</sup> Crop history data for the solar facility parcels by Westlands Water District. For parcels not owned by Westlands Water District, data from the California Natural Resources Agency is provided.

Source: Westlands Water District 2015; California Natural Resources Agency 2020

**Figure 5.2-2a Overview of Parcels within the Study Area**

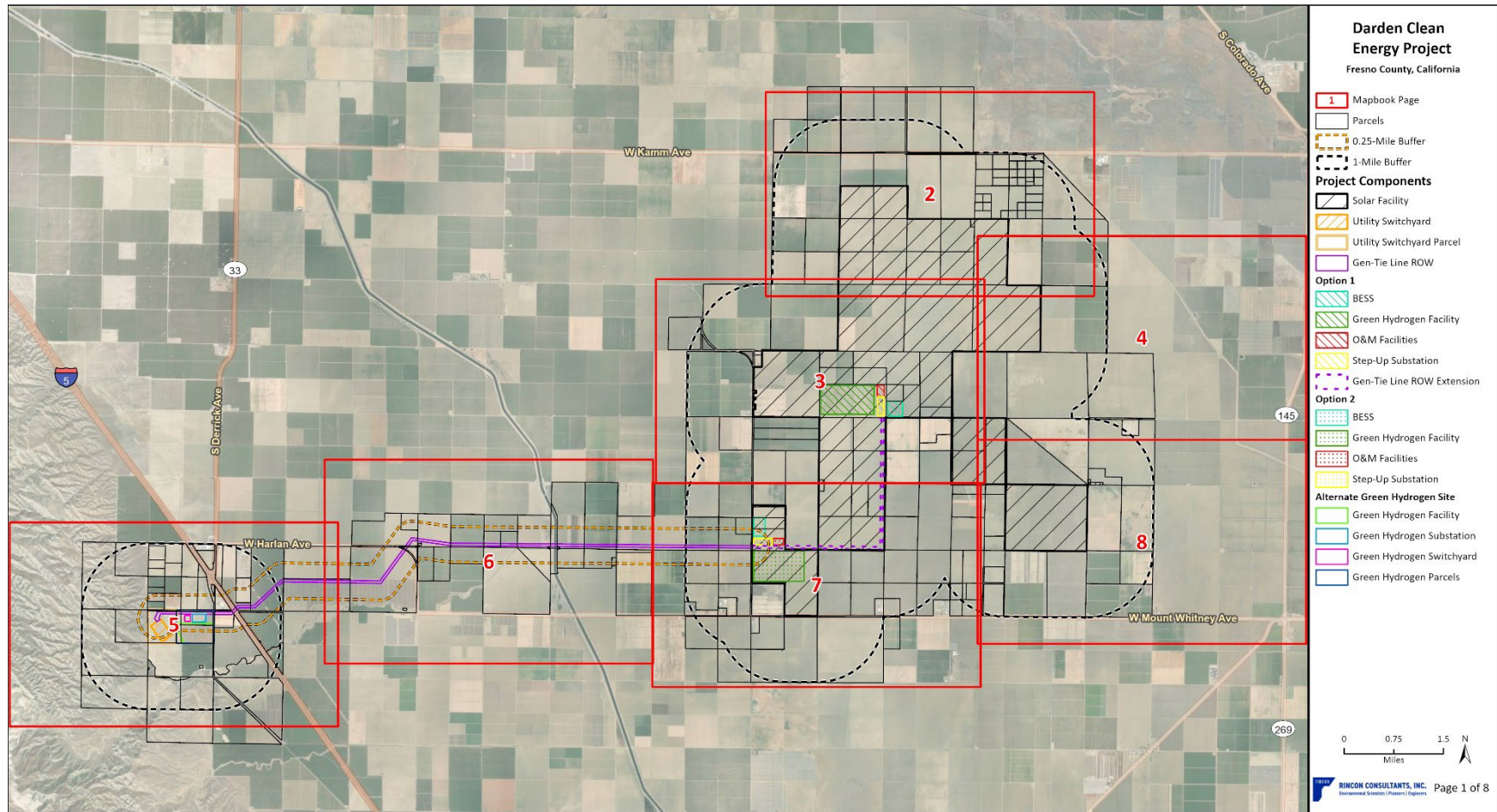




Figure 5.2-2b Parcels within the Study Area (Mapbook Page 2)

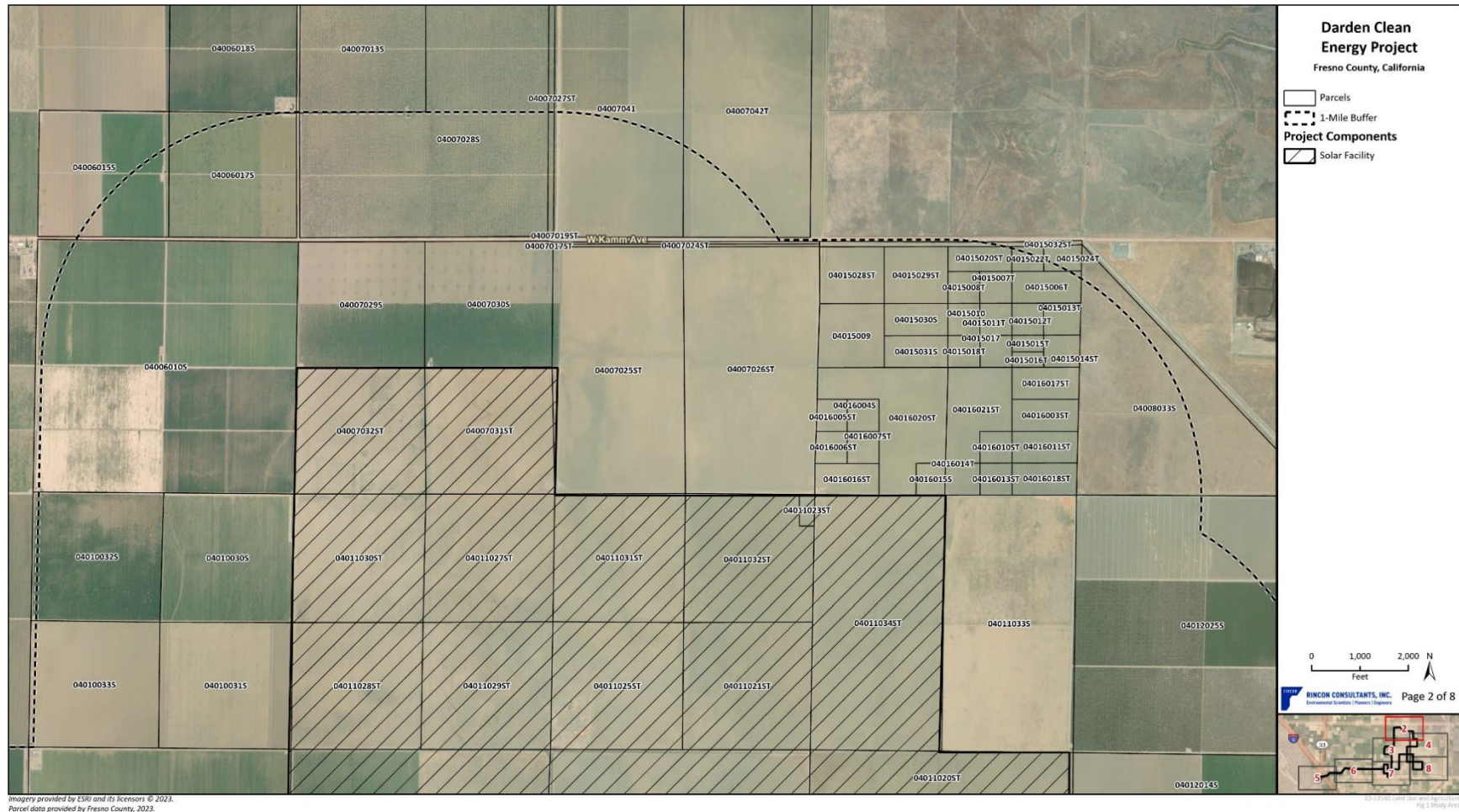


Figure 5.2-2c Parcels within the Study Area (Mapbook Page 3)

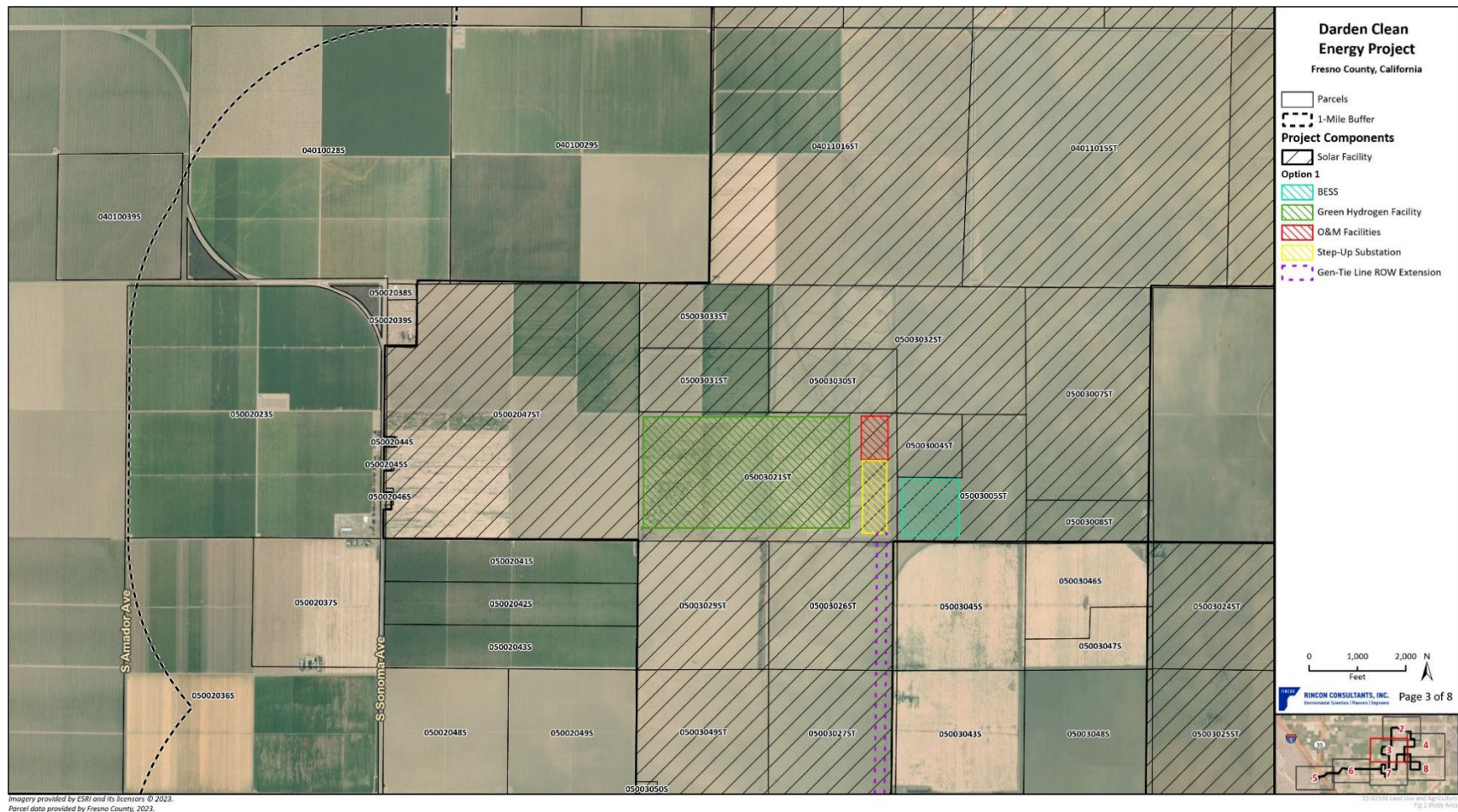




Figure 5.2-2d Parcels within the Study Area (Mapbook Page 4)



Figure 5.2-2e Parcels within the Study Area (Mapbook Page 5)

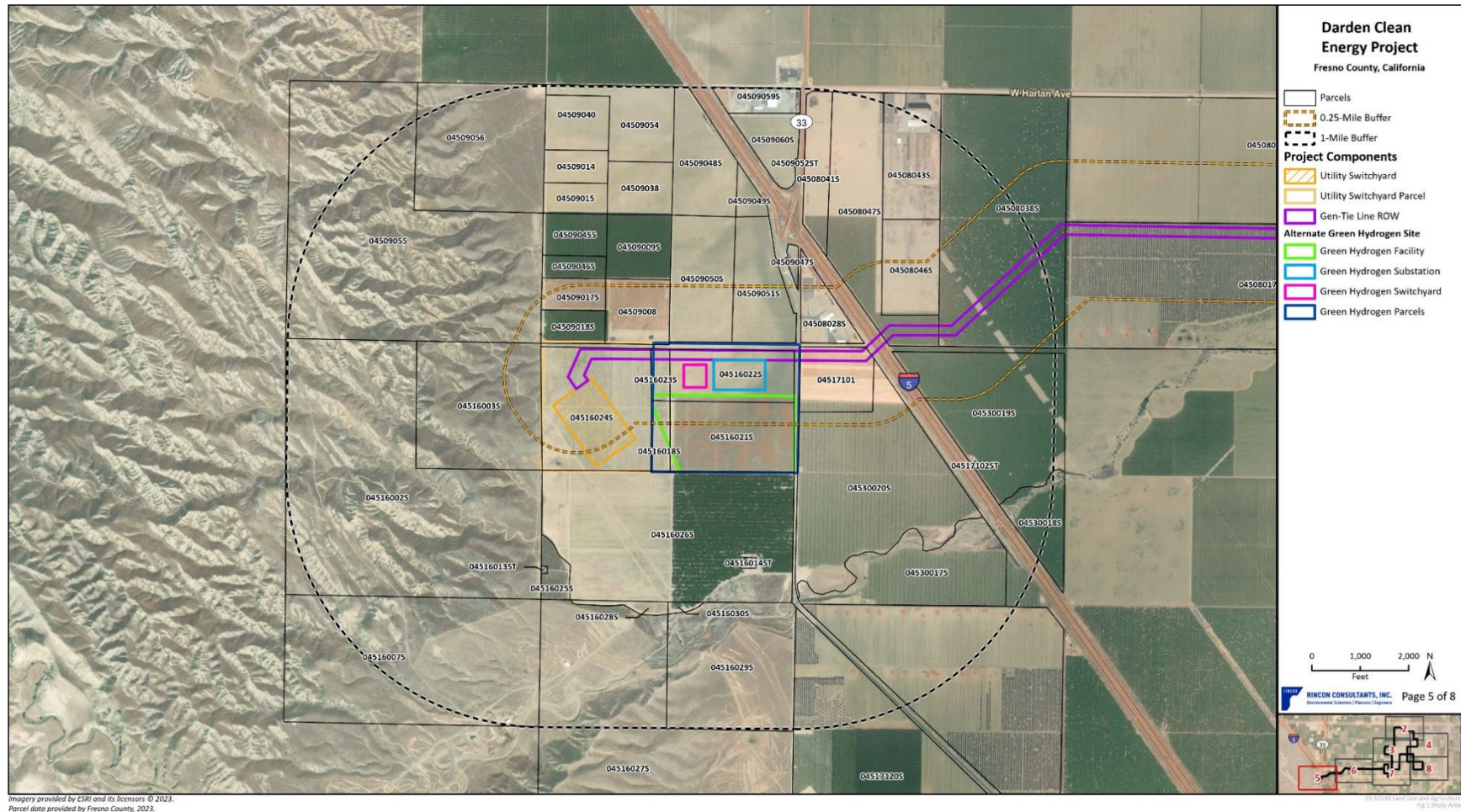




Figure 5.2-2f Parcels within the Study Area (Mapbook Page 6)

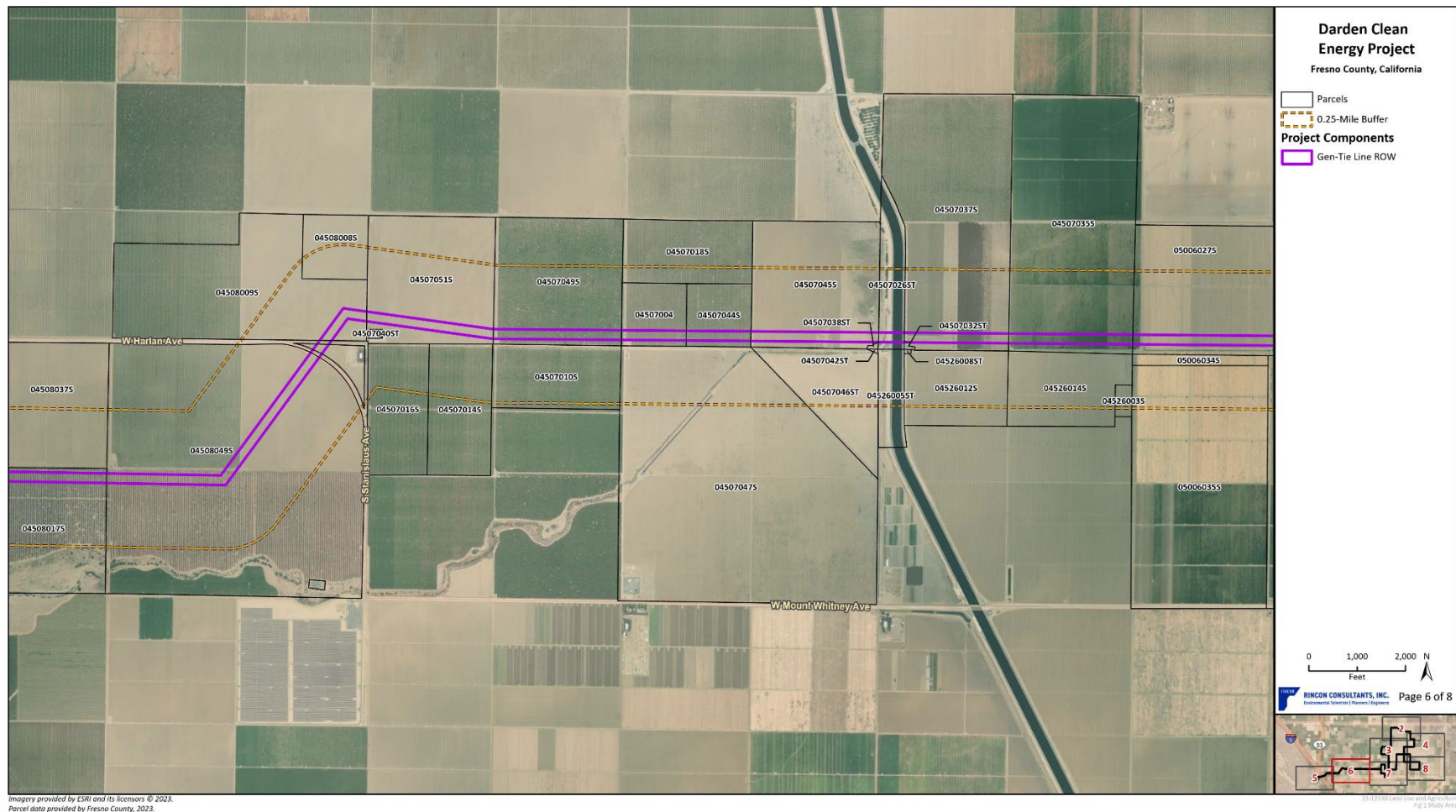


Figure 5.2-2g Parcels within the Study Area (Mapbook Page 7)

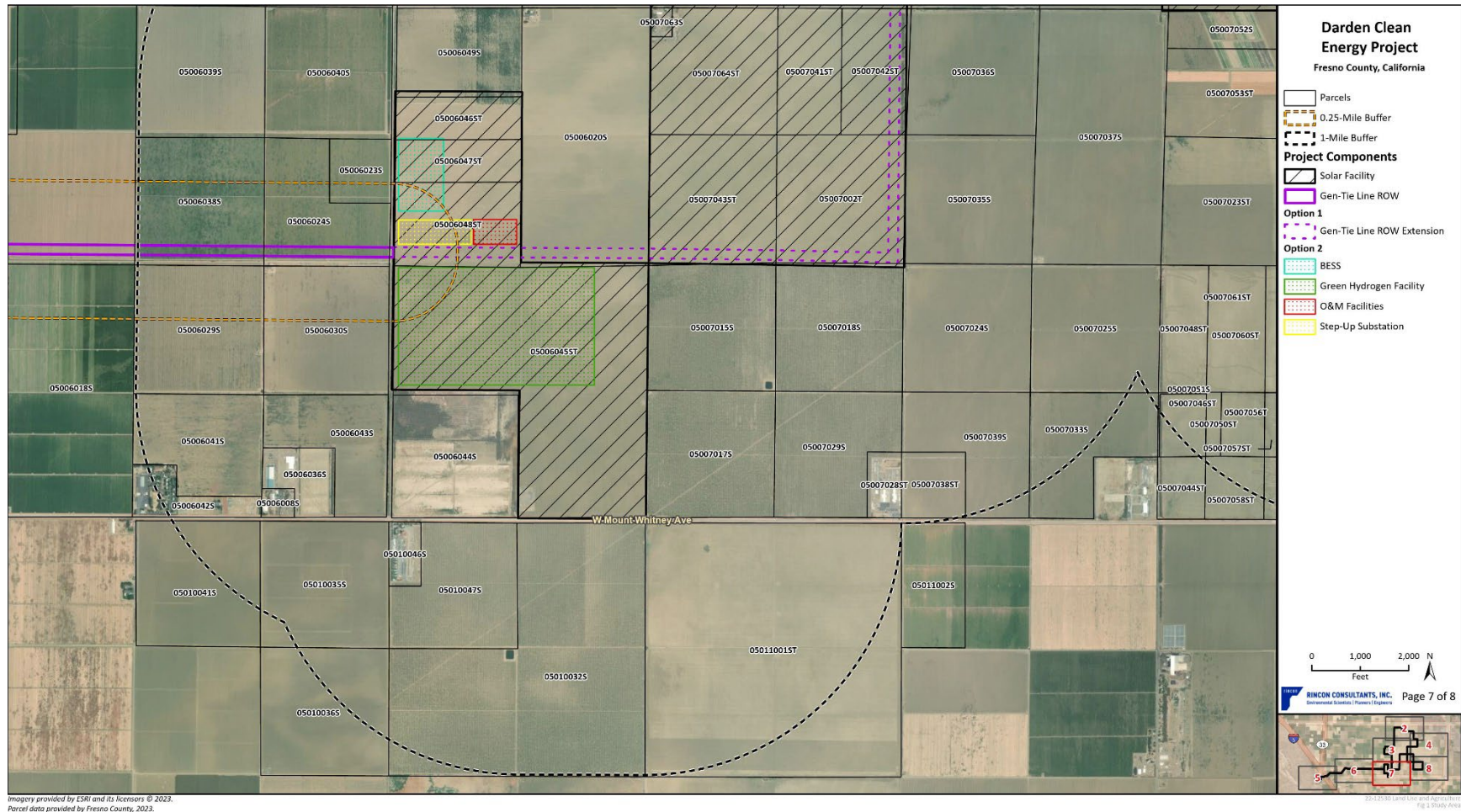
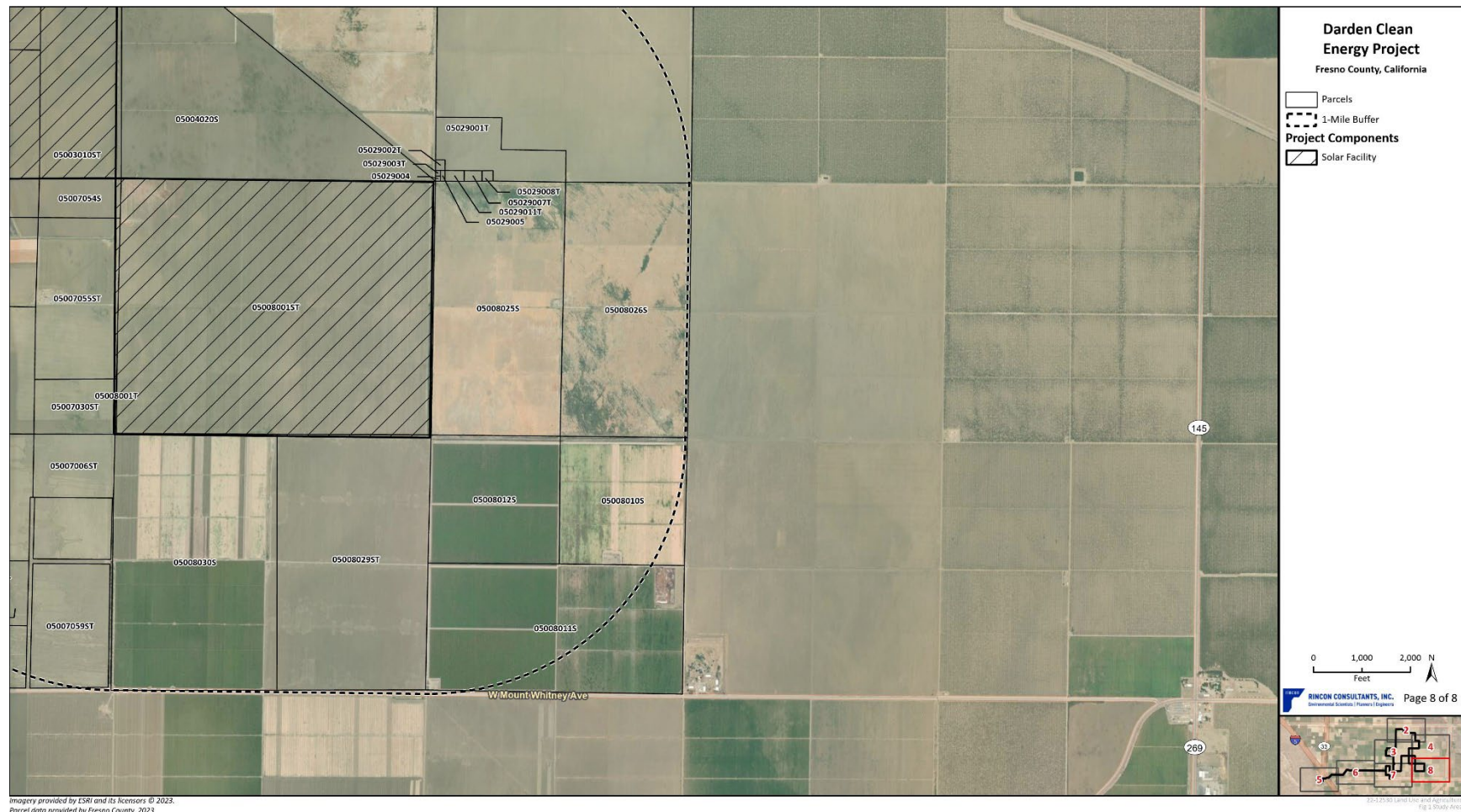




Figure 5.2-2h Parcels within the Study Area (Mapbook Page 8)

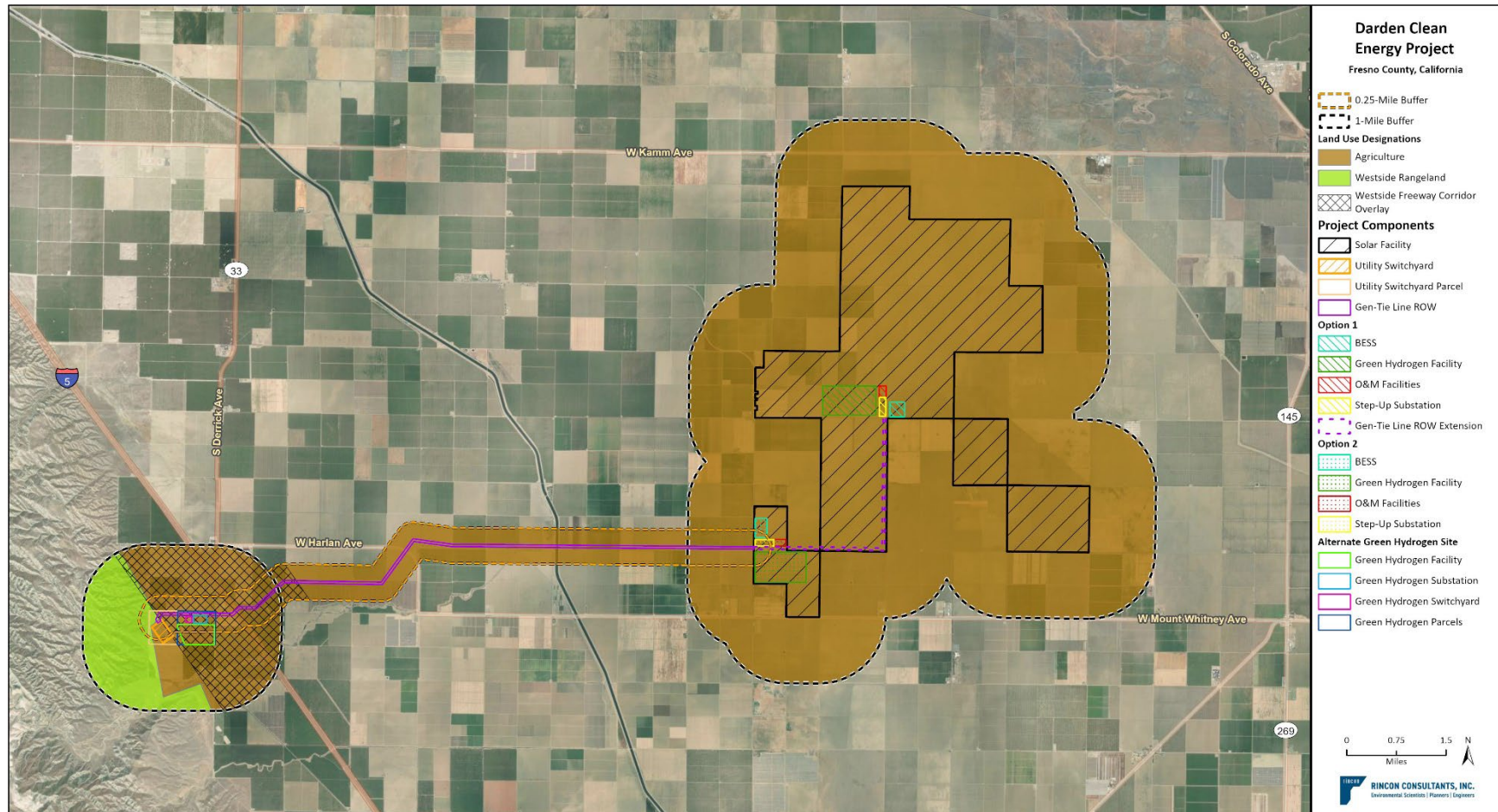


### 5.2.1.3 *Existing Fresno County General Plan Designations within the Study Area*

Land use provisions included in every California city and county general plan reflect the goals and policies that guide physical development of land within their jurisdiction (California State Planning Law, Government Code Section 65302 et seq.). This section describes the land use designations for properties located within the study area.

The study area is located entirely within unincorporated Fresno County. According to the 2000 Fresno County General Plan, the study area is within the County's designated Agriculture, Westside Rangeland, and Westside Freeway Corridor Overlay land use areas (County of Fresno 2000). The Agriculture designation provides for the production of crops and livestock, and for the location of agricultural commercial centers, processing facilities, and certain nonagricultural activities. The Westside Rangeland designation provides for grazing and other agricultural operations, mining, oil and gas development, wildlife habitat, various recreational activities, and other appropriate open space uses. The Westside Freeway Corridor Overlay designation provides for uses at designated interchanges that cater to the needs of long-distance freeway users and agriculture-related enterprises. Typical permitted uses include hotels, motels, rest areas, agricultural-related uses, and truck service and repair facilities (County of Fresno 2000). Figure 5.2-3 shows Fresno County General Plan designations within the study area.

Figure 5.2-3 General Plan Land Use Designations Within the Study Area





#### 5.2.1.4 Study Area and Project Site Zoning

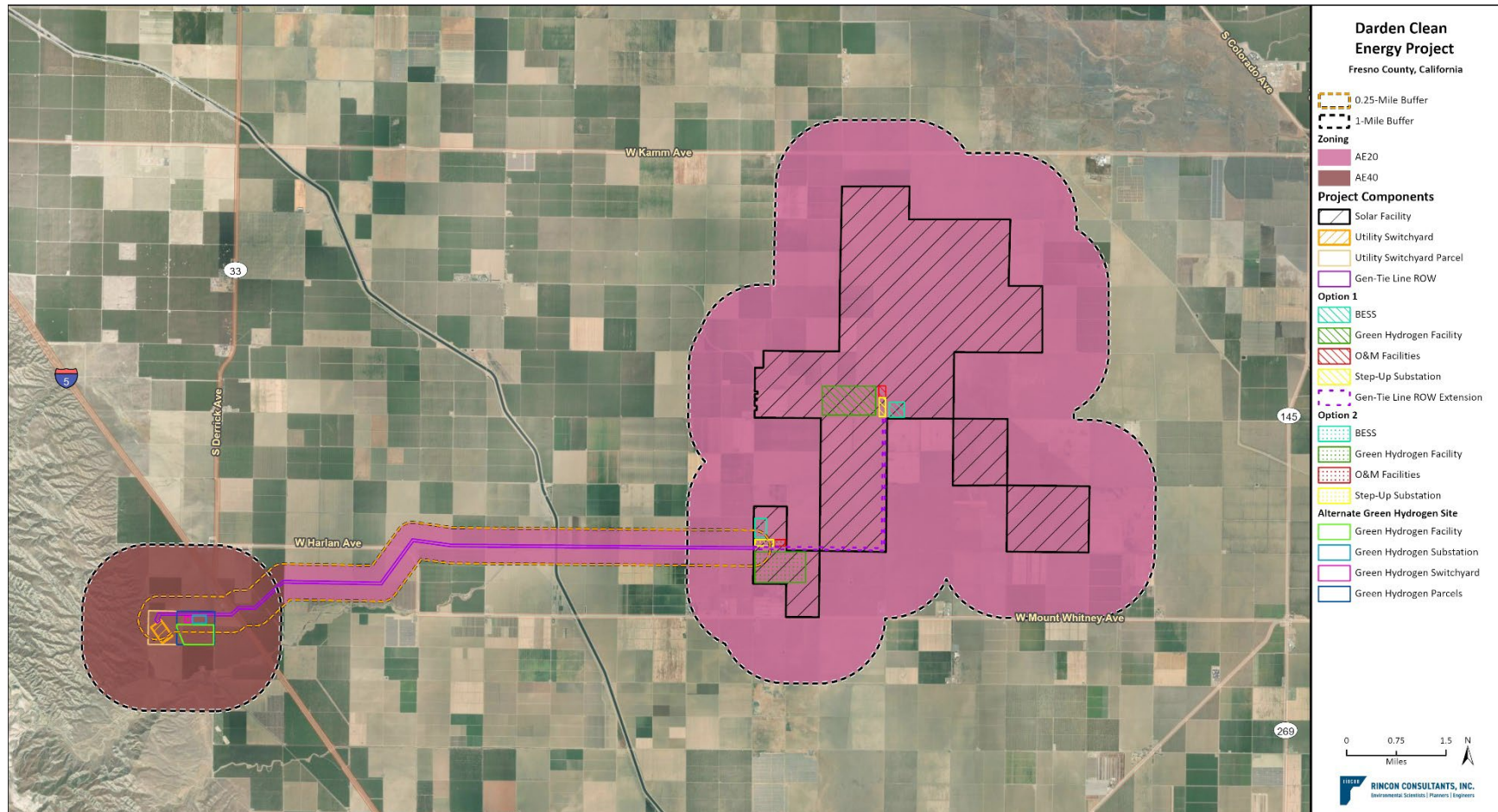
While General Plan land use designations are more generalized in nature, zoning codes and zoning districts provide specific standards on land use or the density or intensity of development. Table 5.2-2 provides definitions and information about the zoning districts within the study area and Project site. Figure 5.2-4 shows the study area and Project Site's zoning designations.

**Table 5.2-2 Zone Districts Within the Study Area**

Zone	Allowable Uses	Minimum Parcel Size
Exclusive Agricultural – 20 acres (AE-20)	Uses which are necessary and an integral part of the agricultural operation. These uses include, but are not limited to, livestock and poultry breeding; crop planting, crop processing, crop shipping; single-family residences and farm buildings; and farmworker housing complexes.	20 acres
Exclusive Agricultural – 40 acres (AE-40)	Uses which are necessary and an integral part of the agricultural operation. These uses include, but are not limited to, livestock and poultry breeding; crop planting, crop processing, crop shipping; single-family residences and farm buildings; and farmworker housing complexes.	40 acres

As stated in Section 816 of the County of Fresno Zoning Ordinance, the "AE" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. The "AE" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designations of 640, 320, 160, 80, 40, 20, 5 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District. Utility-scale renewable energy is a permitted use within the AE-20 and AE-40 zone districts but are subject to county review and approval through an Unclassified Conditional Use Permit. "

Figure 5.2-4 Study Area Zoning Designations



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22 1.25-30 Land Use and Agriculture  
Fig. 5.2-4

### 5.2.1.5 *Physical Land Uses within the Study Area*

#### **Residential**

There are no residential properties within the Project site. However, the study area contains 33 single-family residences that primarily support associated farming operations. The nearest residences to the Project site within the study area include:

- Seven single family residences along South Sonoma Avenue (17000 block between West Davis Avenue and West Elkhorn Avenue), immediately west of the solar facility. Four single family residences are located immediately adjacent to the solar facility site on the east side of South Sonoma Avenue, and the other three residences are located approximately 50 feet west of the solar facility across South Sonoma Avenue.
- Two single family residences along West Cerini Avenue between South Sonoma Avenue and the solar facility. One residence located at the intersection of West Cerini Avenue and South Napa Avenue within the solar facility; the other residence is located west and north of the solar facility and approximately 0.5-mile west of the solar facility.
- A single-family residential neighborhood with 24 residences located northeast of the South Amador Avenue and West Mt. Whitney Avenue, located approximately 0.9 mile west of the solar facility and 0.9 mile south of the gen-tie line ROW.

#### **Commercial**

There are five commercial businesses within the study area. There are no offices within the study area. The nearest commercial uses to the Project site within the study area include:

- American Fertilizer, a wholesale agricultural fertilizer retailer located at 22110 West Mt. Whitney Avenue, approximately one-mile south of the solar facility.
- Lankford Honey Farms, a commercial honey and produce retailer located at 18878 West Mt. Whitney Avenue, approximately 0.7-mile southeast of the solar facility.
- Superior Almond Hulling LP, an almond shelling and shipping facility located at 32581 West Harlan Avenue, approximately one-mile northeast of the alternate green hydrogen site.
- Nunes Cooling, LLC, a produce wholesaler located at 20850 South Derrick Avenue, approximately 0.3-mile northeast of the alternate green hydrogen site.
- Tanimura and Antle Cooler, a produce wholesaler located at 20009 South Derrick Avenue, approximately one-mile north of the alternate green hydrogen site.

#### **Industrial**

There are no industrial uses within the study area. The nearest industrial use to the study area is Simplot Grower Solutions, an agricultural chemical supplier located 2.7 miles southeast of the southeastern corner of the solar facility.

#### **Recreational**

There are no parks or recreational facilities in the study area. The closest recreational area identified by the County of Fresno is the Three Rocks Fishing Access approximately 4.1 miles south of West Harlan Avenue at its intersection with the gen-tie line ROW. Three Rocks Fishing Access provides fishing access to the California Aqueduct and picnic areas (County of Fresno 2023a).

## **Open Space**

Under Section 65560 of the California State Government Code, open space is defined as any parcel or area of land or water that is essentially unimproved and devoted to an open-space use, and that is designated on a local, regional, or state open space plan as any of the following: open space for the preservation of natural resources, open space used for the managed production of resources, open space for outdoor recreation, or open space for public health and safety.

The study area is zoned by the County of Fresno for agricultural uses, and virtually all lands within the study area have been developed for agricultural use. There are no open space land uses within the study area.

## **Scenic**

A portion of the study area is within the Westside Freeway Sub-Regional Plan Area which includes goals to manage commercial development along the Interstate 5 corridor. In addition, the western study area is within the Westside Rangeland planning area, located in the foothills of Fresno County, west of Interstate 5. The Westside Rangeland planning area possesses unique features that are relatively isolated from major population centers (County of Fresno 2023a).

There are no designated or eligible state scenic highways which partially or fully intersect the study area (California Department of Transportation [Caltrans] 2018). The County of Fresno designates Interstate 5 as a County-designated Scenic Highway (County of Fresno 2023a). West of Interstate 5, foothills showcase gentle rolling hills with oak trees (County of Fresno 2023a).

## **Natural Resource Protection**

A portion of the study area west of Interstate 5 intersects the Southwest San Joaquin Valley Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP); however, the Project site itself is not within the jurisdiction of the Southwest San Joaquin Valley HCP and NCCP. The Southwest San Joaquin Valley HCP and NCCP includes approximately 1.9 million acres extending from western Fresno County to southern Kern County. The Southwest San Joaquin Valley HCP and NCCP is a proposed strategy to conserve and protect listed or sensitive wildlife species and their habitats. Although the applicable state and federal agencies have not yet prepared the plan, the intent of the plan is to provide a program for compliance with the Endangered Species Act (Aera Energy, LLC. 2018).

## **Natural Resource Extraction**

The study area does not contain natural resource extraction facilities such as mines or timberland production facilities. The study area does not contain forested areas or known mineral resources (DOC 2022a). The study area is zoned for agricultural use which is not compatible with natural resource extraction.

## **Educational, Child Care, Nursing Homes**

There are no educational facilities within the study area. The nearest education facilities to the study area are the Westside Elementary School approximately 2.2 miles south of Mt. Whitney Avenue, Cantua Elementary School approximately 3.3 miles northwest of the study area on West Clarkson Avenue, and the Helm Elementary School located 3.6 miles northeast of the study area at the intersection of West Kamm Avenue and State Route (SR) 145. There are no registered childcare facilities or nursing home facilities within the study area. The nearest childcare facility to the study

area, Head Start 0 to 5, is located at Cantua Elementary School. The nearest nursing home facility, Handford Post Acute, is located approximately 27.7 miles southeast of the study area in the city of Hanford.

## Religious

There are no religious facilities within the study area. The closest religious facility, Our Lady of Lourdes Catholic Church, is located approximately 4.5 miles north of the SR 33/Interstate 5 interchange in the community of Three Rocks.

## Cultural and Historic

Section 5.3, *Cultural Resources and Tribal Cultural Resources*, provides a discussion of the cultural and historic resources in the study area, including implementation of standard mitigation measures to address incidental discovery of resources during construction.

## Unique Land Uses

This assessment has identified no unique land uses within the study area. The Project site is not located on a prohibited site identified in Public Resources Code section 25527, which includes a state, regional, County, or city park; wilderness, scenic, or natural reserve, area for wildlife protection, recreation, historic preservation; or natural preservation area. Similarly consistent with Public Resources Code section 25527, there are no estuaries in an essentially natural and undeveloped state on the Project site. The Project is not located on a site designated by the San Francisco Bay Conservation and Development Commission as identified in Public Resources Code section 66645(b). The Project site is not located in the coastal zone.

## Agricultural Use

### *Crops Within the Study Area*

The agricultural lands within the study area support a variety of crops, including deciduous fruits and nuts, such as apricots, apples, pears, figs, almonds, pistachios; field crops, such as corn, soybeans, and wheat; grain and hay crops; nursery and berry crops; and vineyards. The study area also contains livestock pasture lands. Crops in the study area, including active crops within the Project site, are primarily irrigated using drip irrigation systems, as is over 90 percent of Westlands Water District lands (Westlands Water District 2023). Table 5.2-3 summarizes the different irrigated crops and agricultural uses located within the Project site and Table 5.2-4 summarizes the different irrigated crops and agricultural uses located outside of the Project site, but within the Study Area. These tables are based on a 2020 Statewide Crop Mapping Data Set prepared by the California Natural Resources Agency. The 2020 Statewide Crop Mapping Data Set was most recently updated in March 2023, and represents the most recently available spatial data on irrigated agriculture. Crop types and acreages are subject to change from year to year, and a single year is not representative of the long-term average agricultural use for several reasons, as described in Section 5.2.1.1.

**Table 5.2-3 Cropland by Acreage Within the Project Site**

<b>Agricultural Use</b>	<b>Acreage Within Project Site</b>
<b>Solar Facility, and Options 1 and 2 Step-up Substation, BESS, and Green Hydrogen Facility</b>	
Deciduous Fruits and Nuts	1.66
Field Crops	0
Grain and Hay Crops	158.22
Nursery and Berry Crops	431.89
Vineyards	0
Pasture	0
Unclassified	8190.85
<b>Gen-tie Line Easement and Easement Extension</b>	
Deciduous Fruits and Nuts	111.56
Field Crops	0
Grain and Hay Crops	0
Nursery and Berry Crops	85.21
Vineyards	0
Pasture	0
Unclassified	124.06
<b>Green Hydrogen Facility (Alternate)</b>	
Deciduous Fruits and Nuts	111.15
Field Crops	0
Grain and Hay Crops	0
Nursery and Berry Crops	62.87
Vineyards	0
Pasture	0
Unclassified	2.89
<b>Utility Switchyard</b>	
Deciduous Fruits and Nuts	124.21
Field Crops	0
Grain and Hay Crops	0
Nursery and Berry Crops	0
Vineyards	0
Pasture	0
Unclassified	9.12

Source: California Natural Resources Agency 2020

**Table 5.2-4 Cropland by Acreage Within the Study Area, Outside of Project Site**

Agricultural Use	Acreage Within Study Area, Outside of Project Site
Deciduous Fruits and Nuts	5,602
Field Crops	459
Grain and Hay Crops	321
Nursery and Berry Crops	5,489
Vineyards	385
Pasture	241
Unclassified	9,750

Source: California Natural Resources Agency 2020

Figure 5.2-5a through Figure 5.2-5h show the location and areas of different crops supported in the study area.

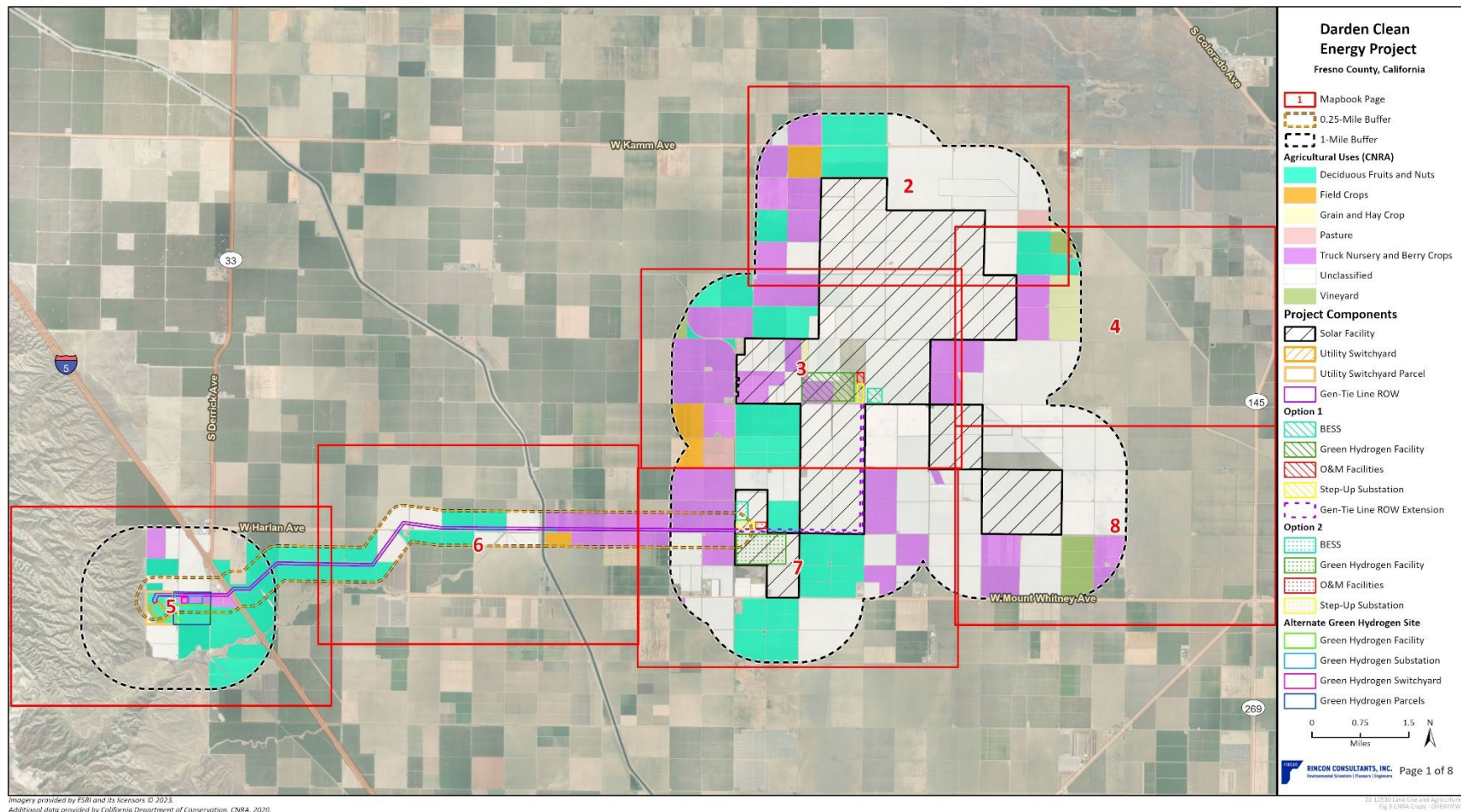
### *Important Farmland*

The DOC developed categorical definitions of important farmlands for land inventory purposes, which are applied within the DOC's Farmland Mapping and Monitoring Program (FMMP). Important farmlands provide the best opportunity for agricultural production. The study area contains land which is classified within the DOC's FMMP as the following (DOC 2018):

- **Prime Farmland:** Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance:** Irrigated land similar to Prime Farmland that has a good combination of physical and chemical characteristics for the production of agricultural crops. This land has minor shortcomings, such as greater slopes or less ability to store soil moisture than Prime Farmland. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.
- **Farmland of Local Importance:** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
  - **Confined Animal Agriculture:** Lands used for confined animal agricultural facilities, including but not limited to dairies, feedlots, poultry facilities, and aquaculture. Although shown separately on FMMP maps, confined animal agriculture are part of the Farmland of Local Importance designation (DOC 2023).
- **Unique Farmland:** Lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- **Semi-Agricultural and Rural Commercial Lands:** This includes farmsteads, agricultural storage and packing sheds, unpaved parking areas, composting facilities, equine facilities, firewood lots, and campgrounds.



Figure 5.2-5a Overview of Agricultural Uses Within the Study Area



**Figure 5.2-5b Agricultural Uses Within the Study Area (Mapbook Page 2)**

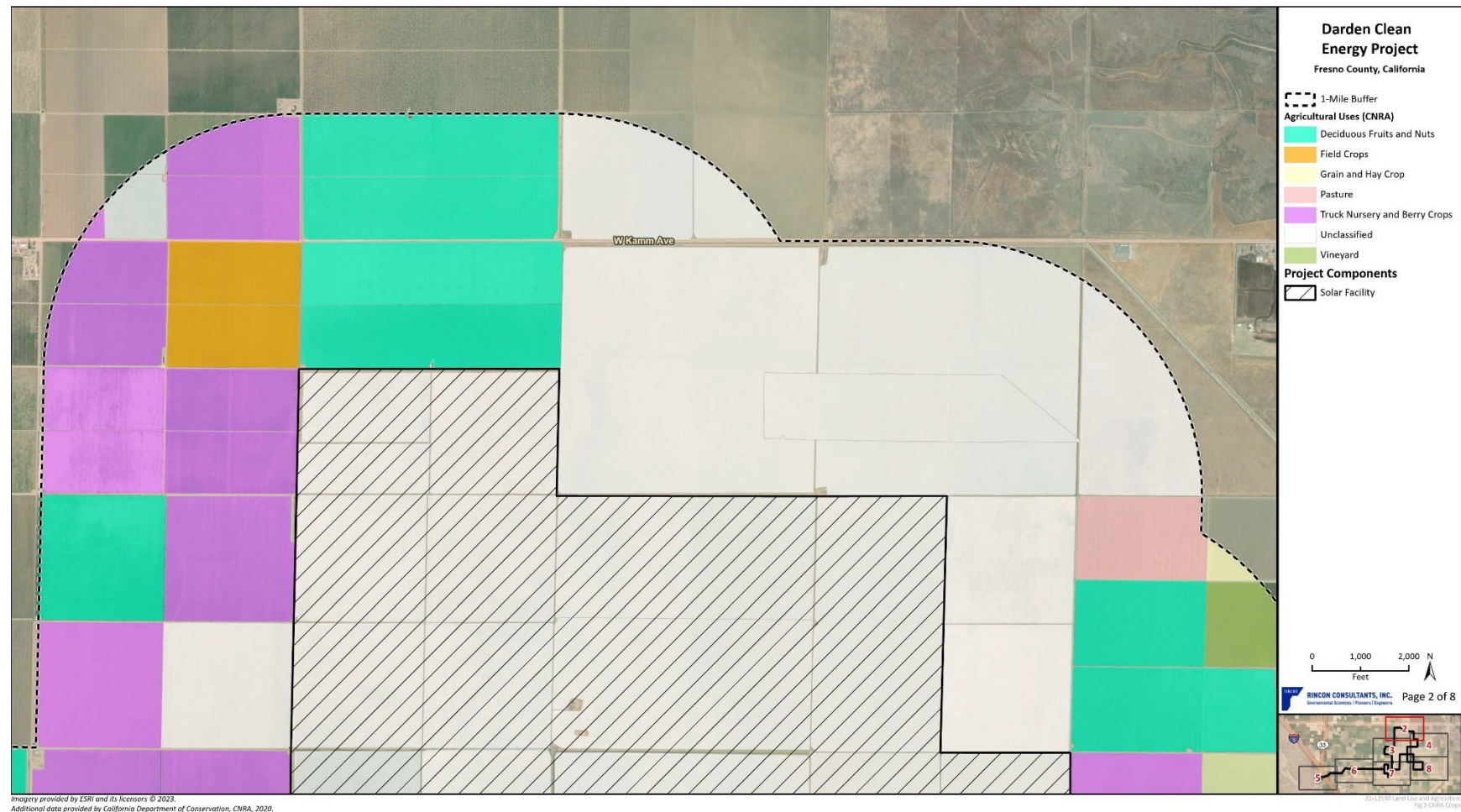
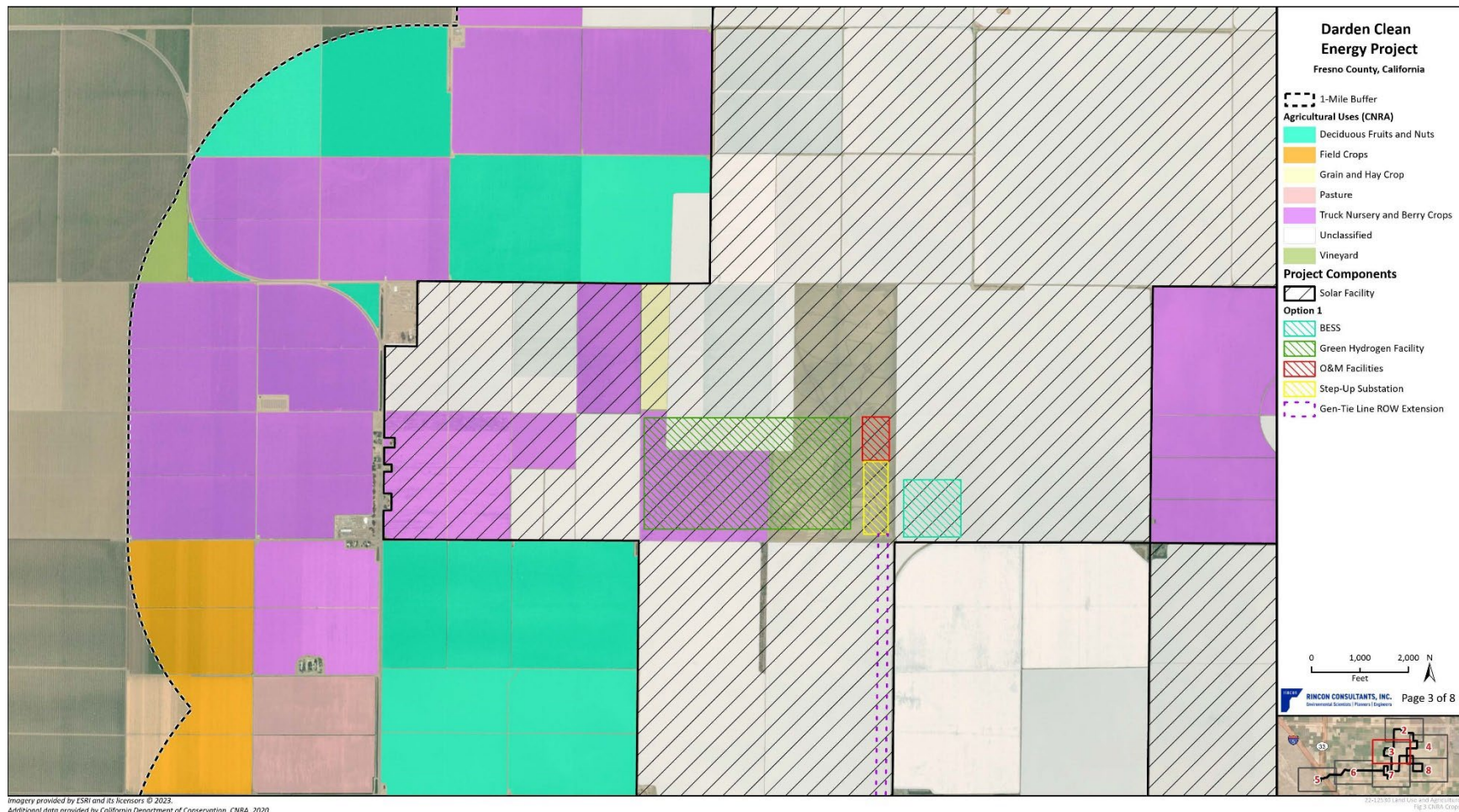




Figure 5.2-5c Agricultural Uses Within the Study Area (Mapbook Page 3)

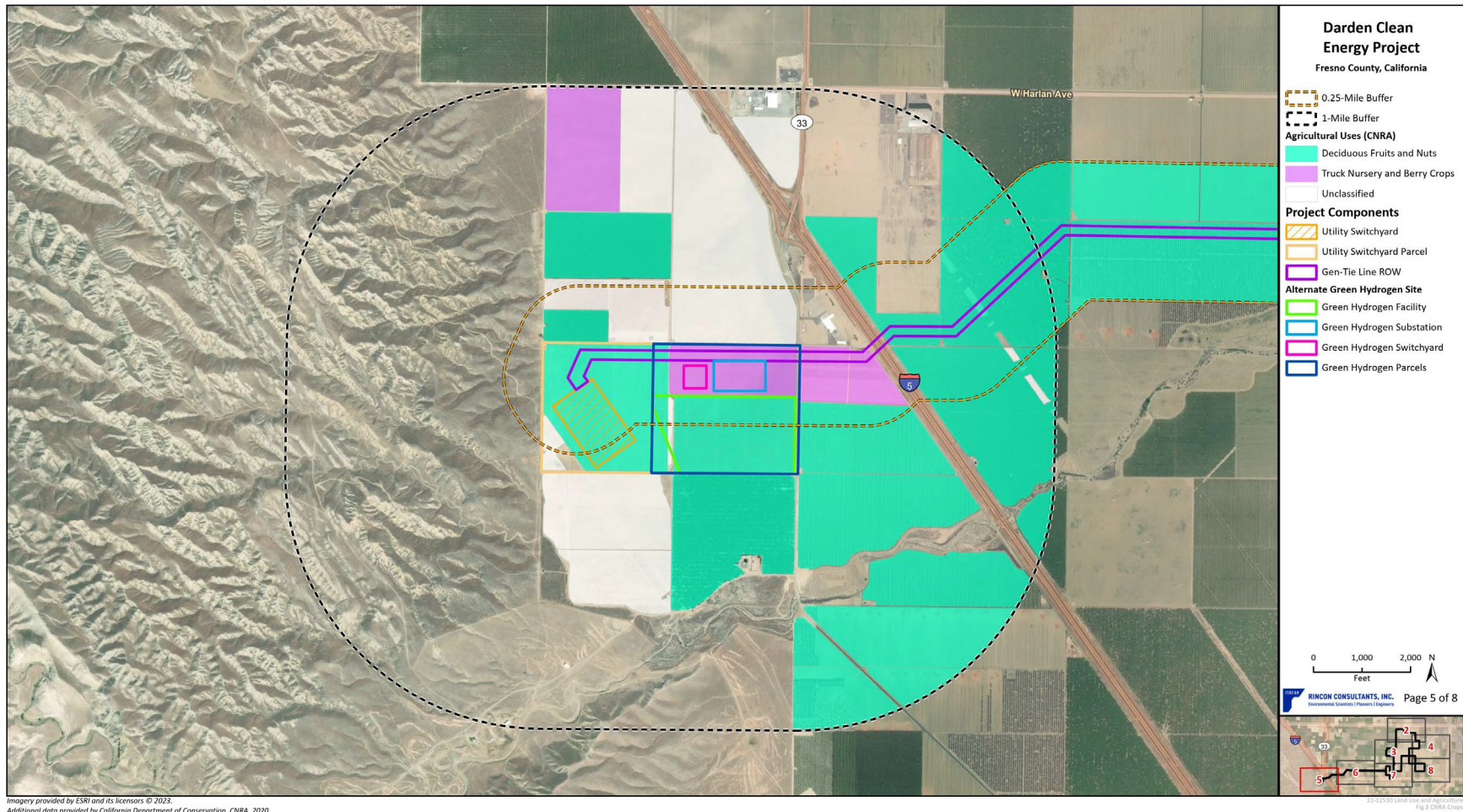


**Figure 5.2-5d Agricultural Uses Within the Study Area (Mapbook Page 4)**





Figure 5.2-5e Agricultural Uses Within the Study Area (Mapbook Page 5)



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Additional data provided by California Department of Conservation, CNRA, 2020.

**Figure 5.2-5f Agricultural Uses Within the Study Area (Mapbook Page 6)**

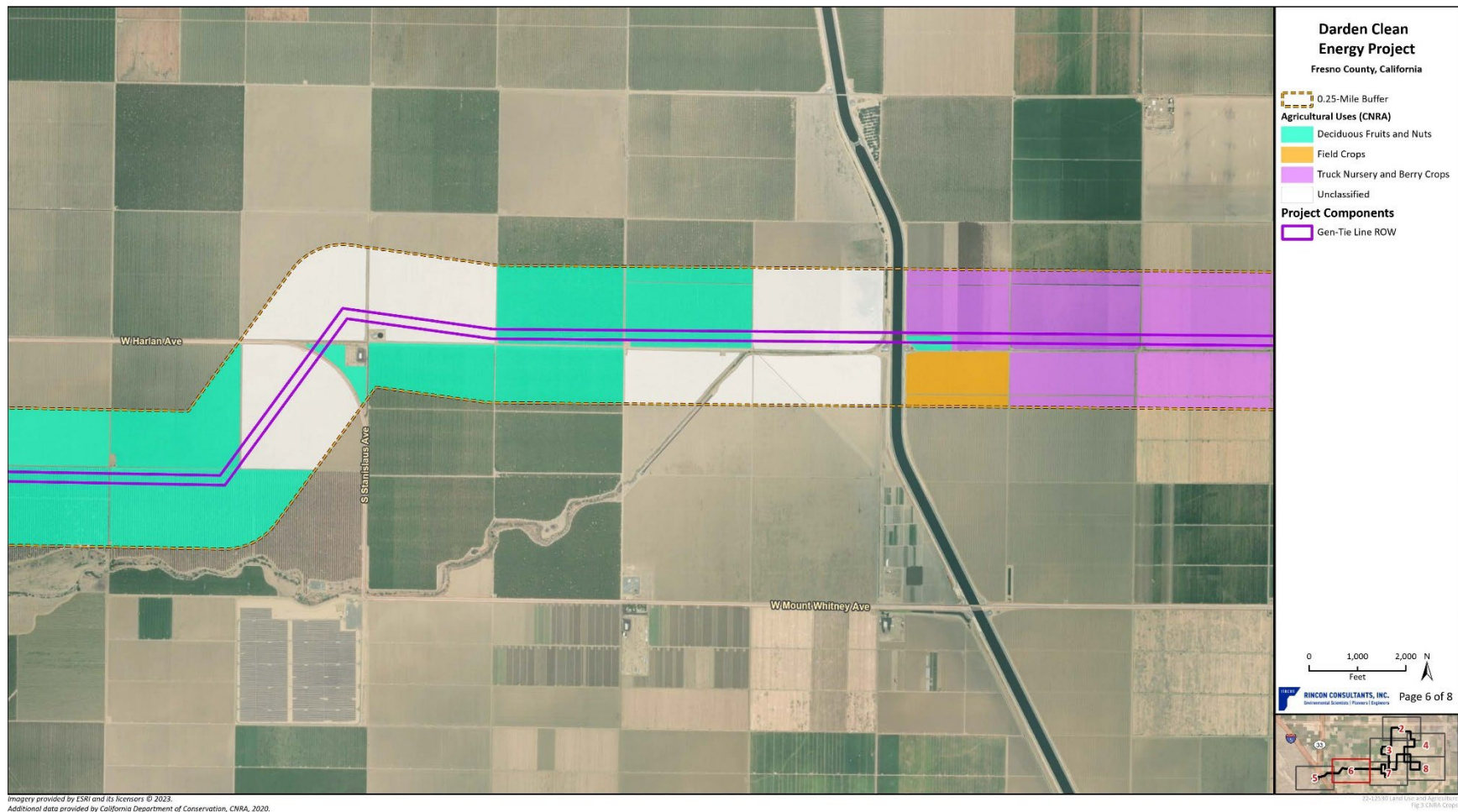




Figure 5.2-5g Agricultural Uses Within the Study Area (Mapbook Page 7)



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Additional data provided by California Department of Conservation, CNRA, 2020.



**Figure 5.2-5h Agricultural Uses within the Study Area (Mapbook Page 8)**



- **Urban and Built-Up Land:** Urban and Built-Up land is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.
- **Non-Agricultural and Natural Vegetation:** This covers heavily wooded, rocky or barren areas, riparian and wetland areas, grassland areas which do not qualify for Grazing Land due to their size or land management restrictions, and small water bodies. Constructed wetlands are also included in this category.
- **Grazing Land:** Land on which existing vegetation is suited for the grazing of livestock.
- **Rural Residential Land:** Residential areas that support agricultural lands with one to five structures per 10 acres.
- **Vacant or Disturbed Land:** Open field areas that do not qualify as an agricultural category (DOC 2021).

Figure 5.2-6a through Figure 5.2-6h show 2020 FMMP designations within the study area. 2020 FMMP designations represent the most recently available FMMP designations published by DOC. As shown below, the utility switchyard consists of 99 acres of land designated by the FMMP as Prime Farmland and 38 acres of Farmland of Statewide importance. The alternate hydrogen location consists of 101 acres of Prime Farmland. Within the solar facility, there are 480 acres designated as Prime Farmland and 7,788 acres designated as Farmland of Statewide Importance. However, as stated above, Prime Farmland and Farmland of Statewide Importance are, by definition, irrigated lands. The Westlands Water District intends to retire the agricultural land in the solar facility location consistent with their Groundwater Sustainability Plan, which states that since 1998, Westlands Water District has removed water allocations of drainage impaired land in order to reallocate water to land without drainage impairments (Westlands Water District GSA and County of Fresno GSA-Westside 2022). As part of the land transfer to the Applicant, the Westlands Water District would subject this land to a non-irrigation covenant, meaning the land would be restricted from current and future irrigated agricultural use (Westlands Water District GSA and County of Fresno GSA-Westside 2022). Accordingly, the farmland within the solar facility location would not meet the definition of Prime Farmland and Farmland of Statewide Importance.

**Figure 5.2-6a Overview of Farmland Mapping and Monitoring Program Designations**

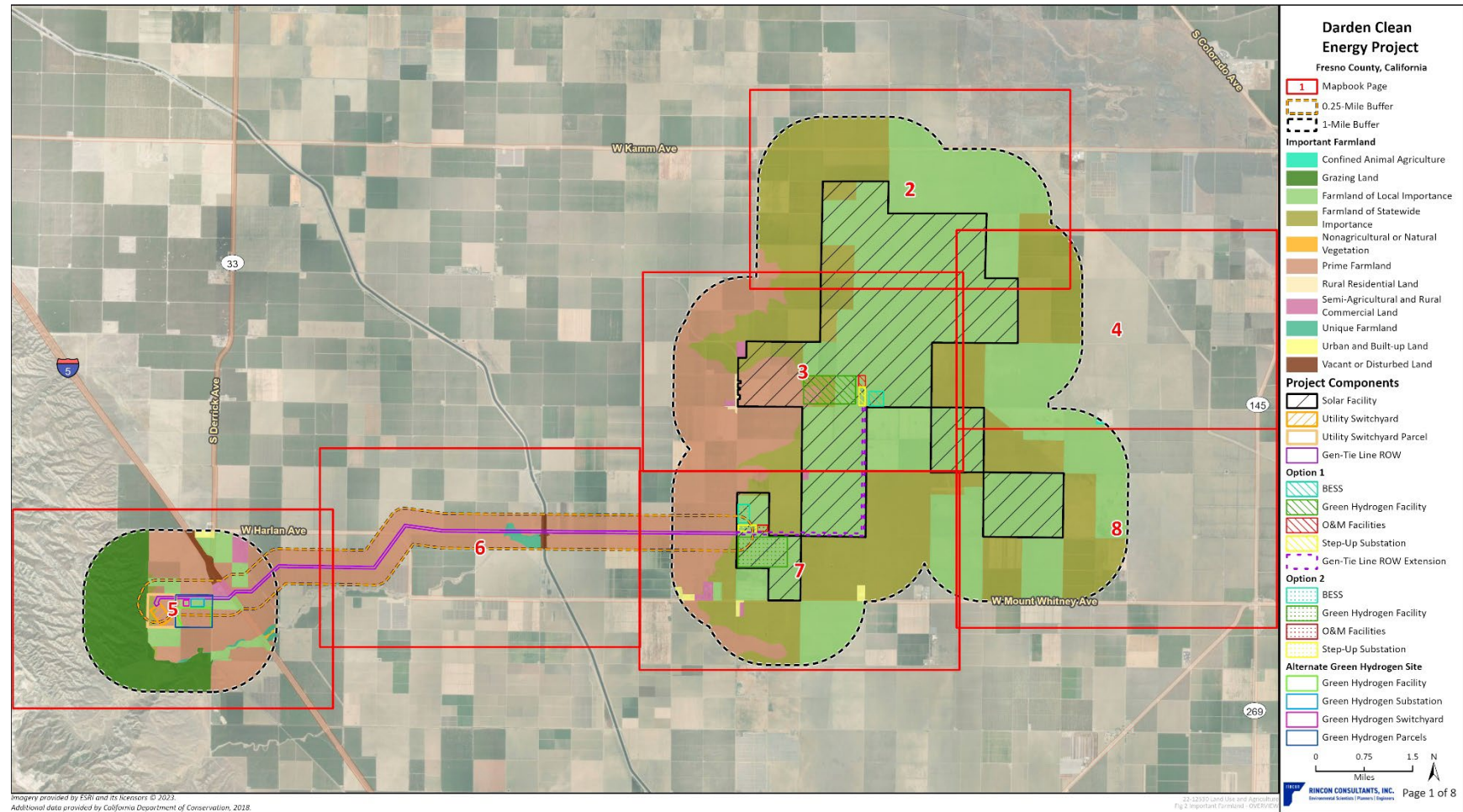
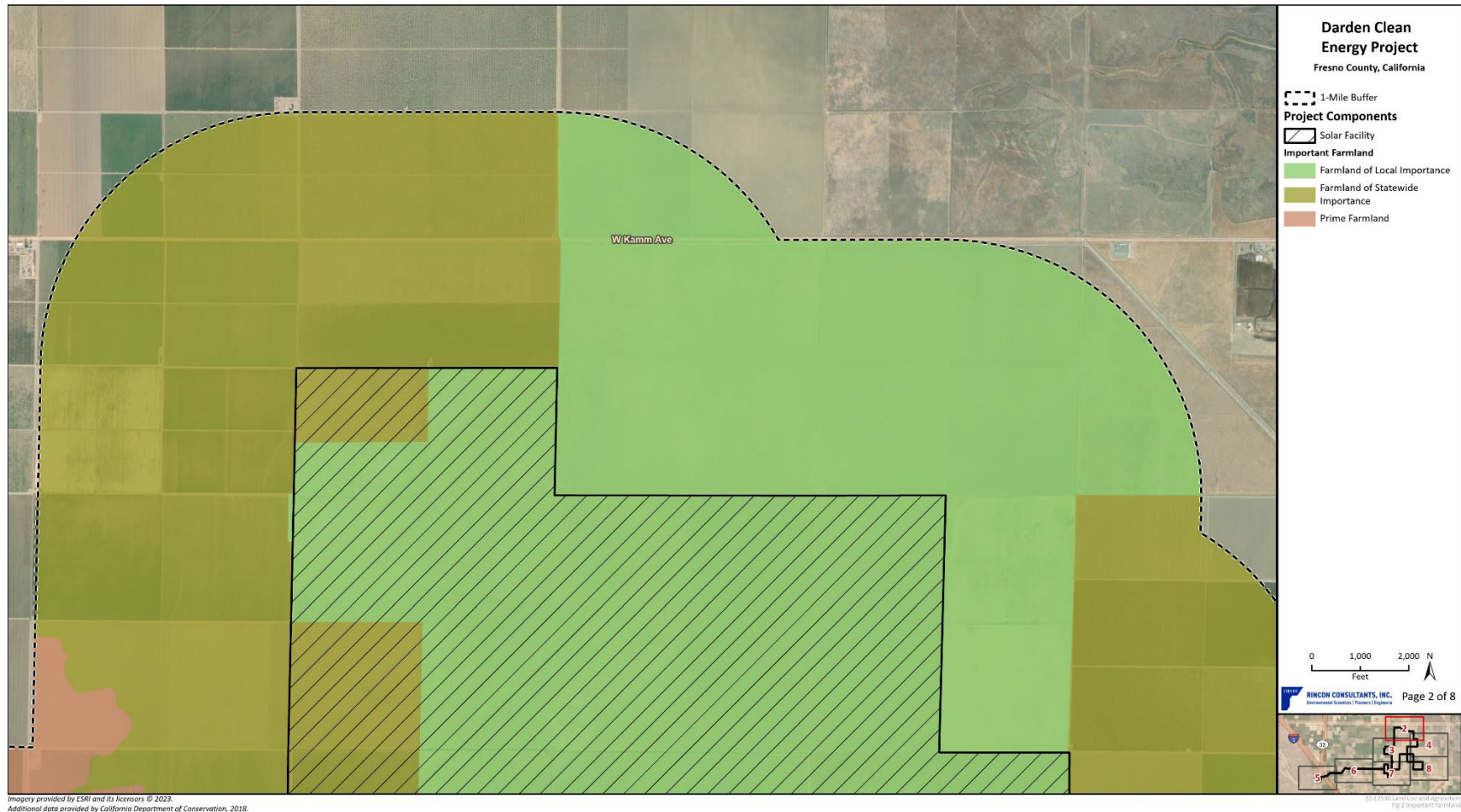




Figure 5.2-6b Farmland Mapping and Monitoring Program Designations (Mapbook Page 2)



**Figure 5.2-6c Farmland Mapping and Monitoring Program Designations (Mapbook Page 3)**

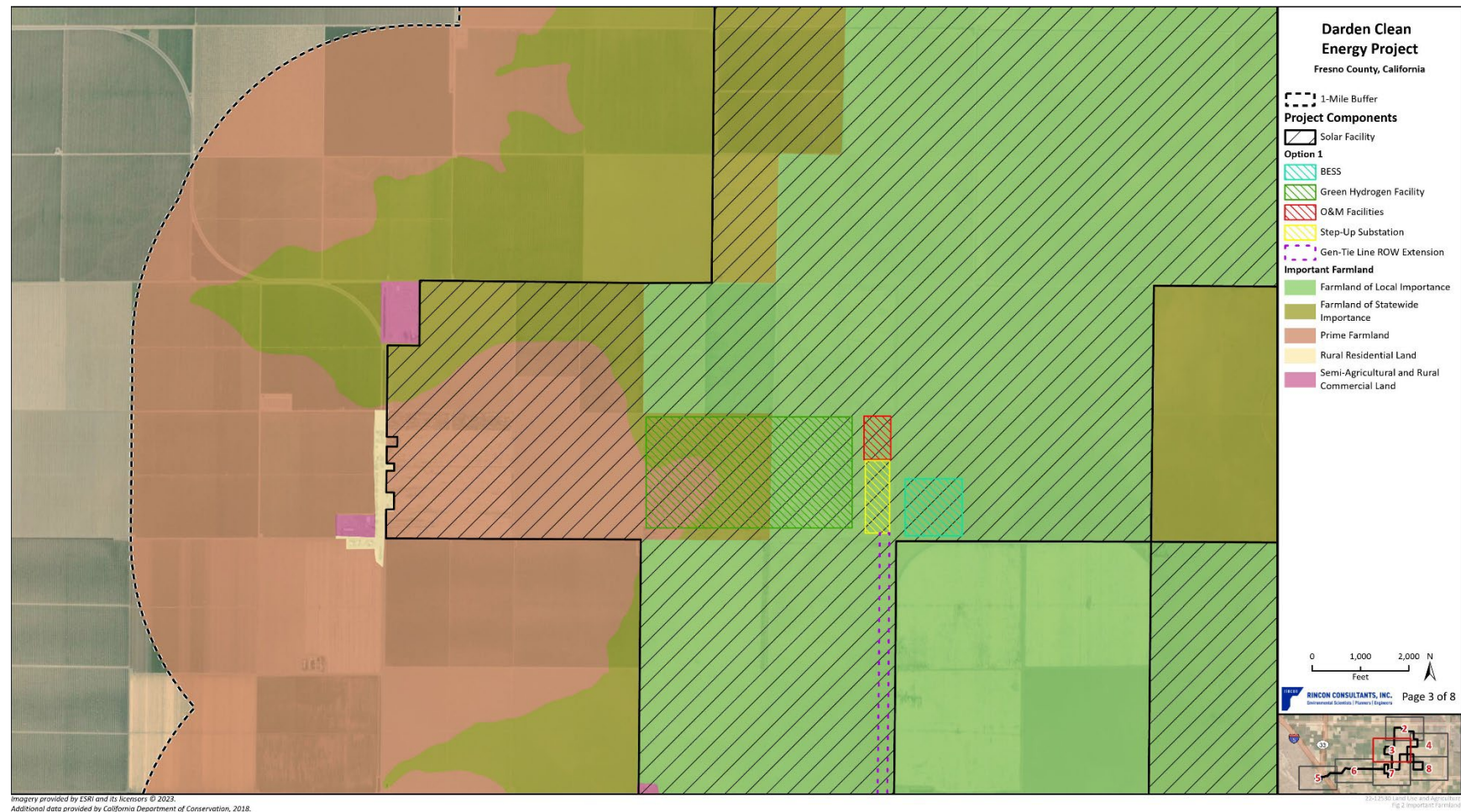
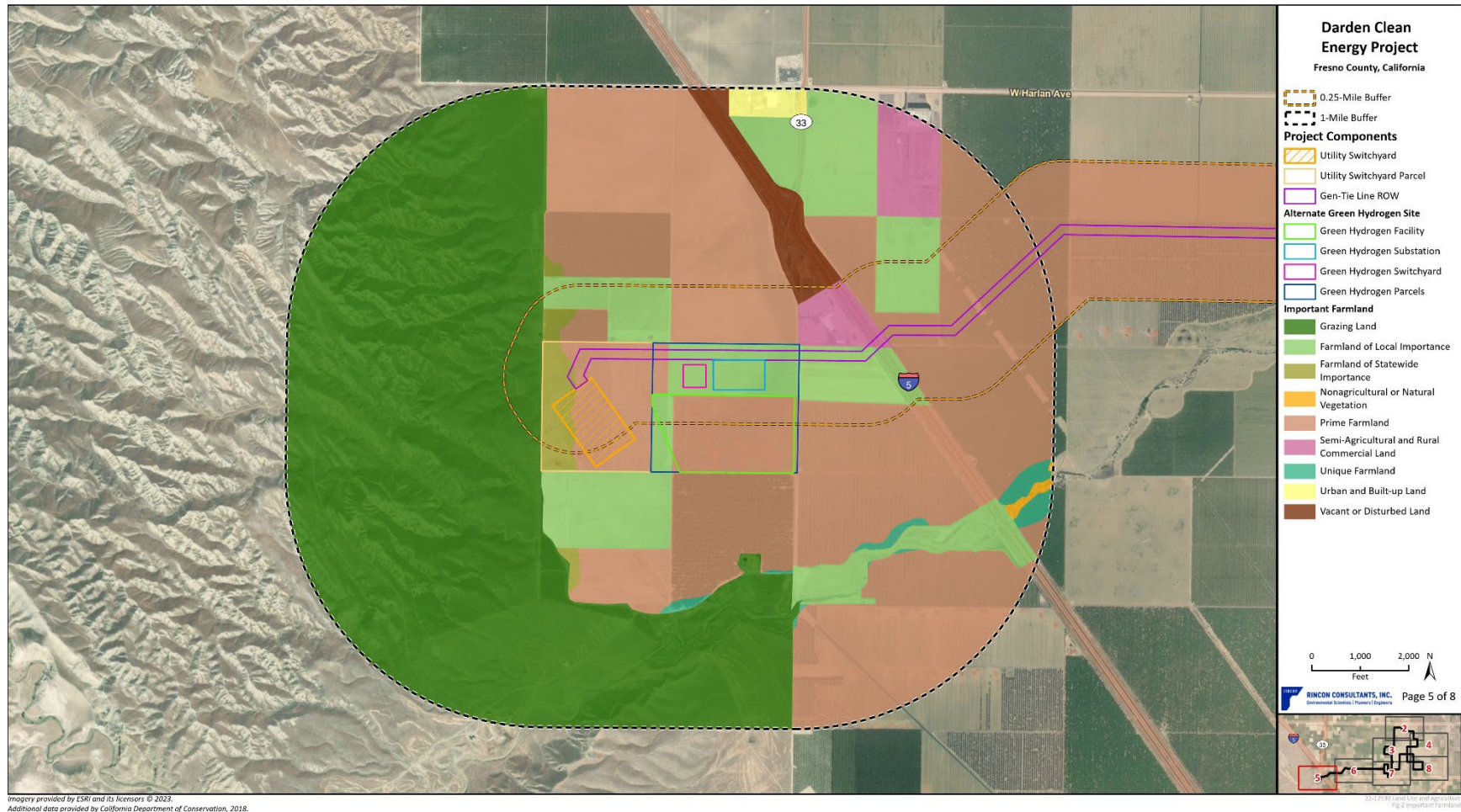




Figure 5.2-6d Farmland Mapping and Monitoring Program Designations (Mapbook Page 4)



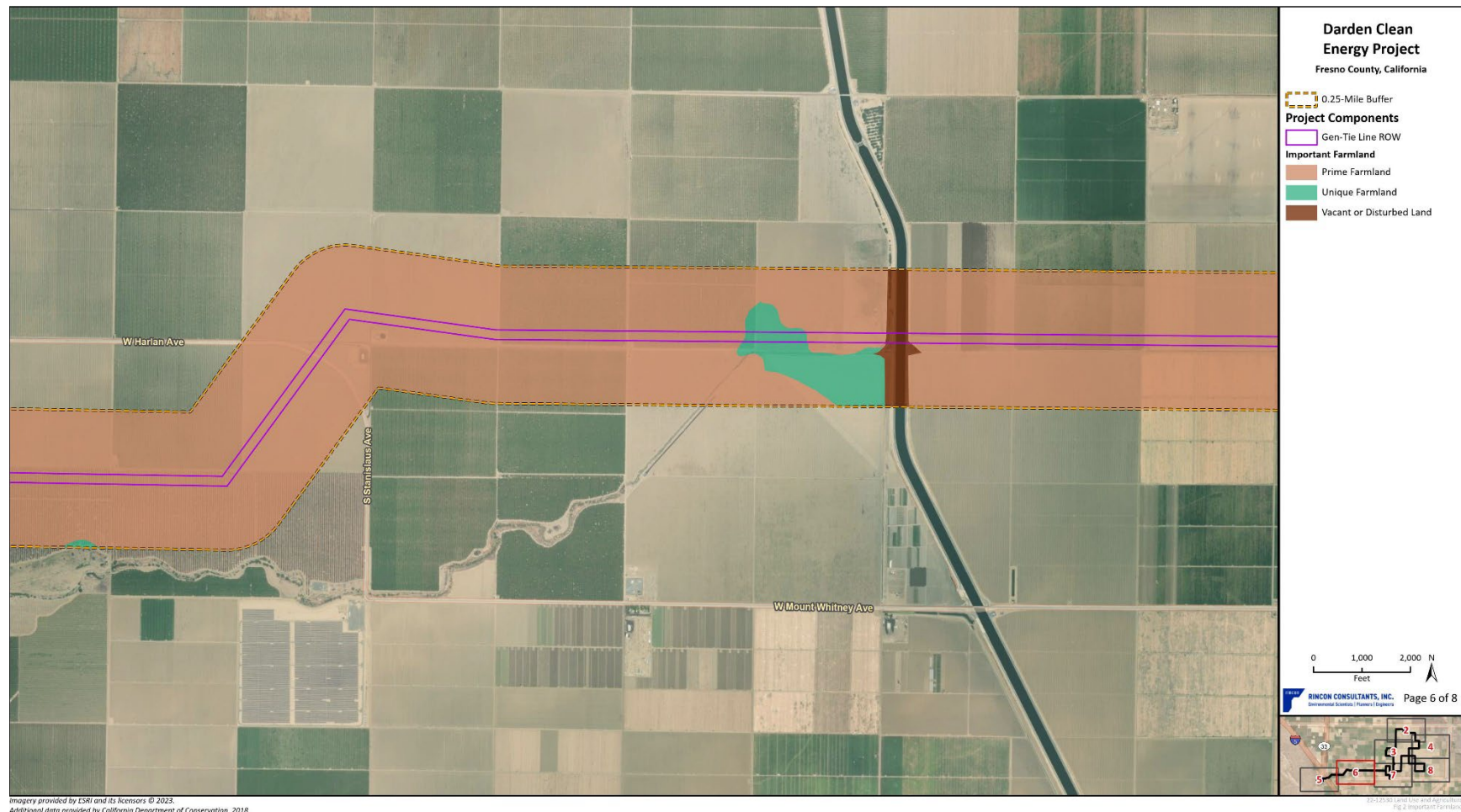
**Figure 5.2-6e Farmland Mapping and Monitoring Program Designations (Mapbook Page 5)**



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Additional data provided by California Department of Conservation, 2018.



Figure 5.2-6f Farmland Mapping and Monitoring Program Designations (Mapbook Page 6)



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Additional data provided by California Department of Conservation, 2018.



**Figure 5.2-6g Farmland Mapping and Monitoring Program Designations (Mapbook Page 7)**

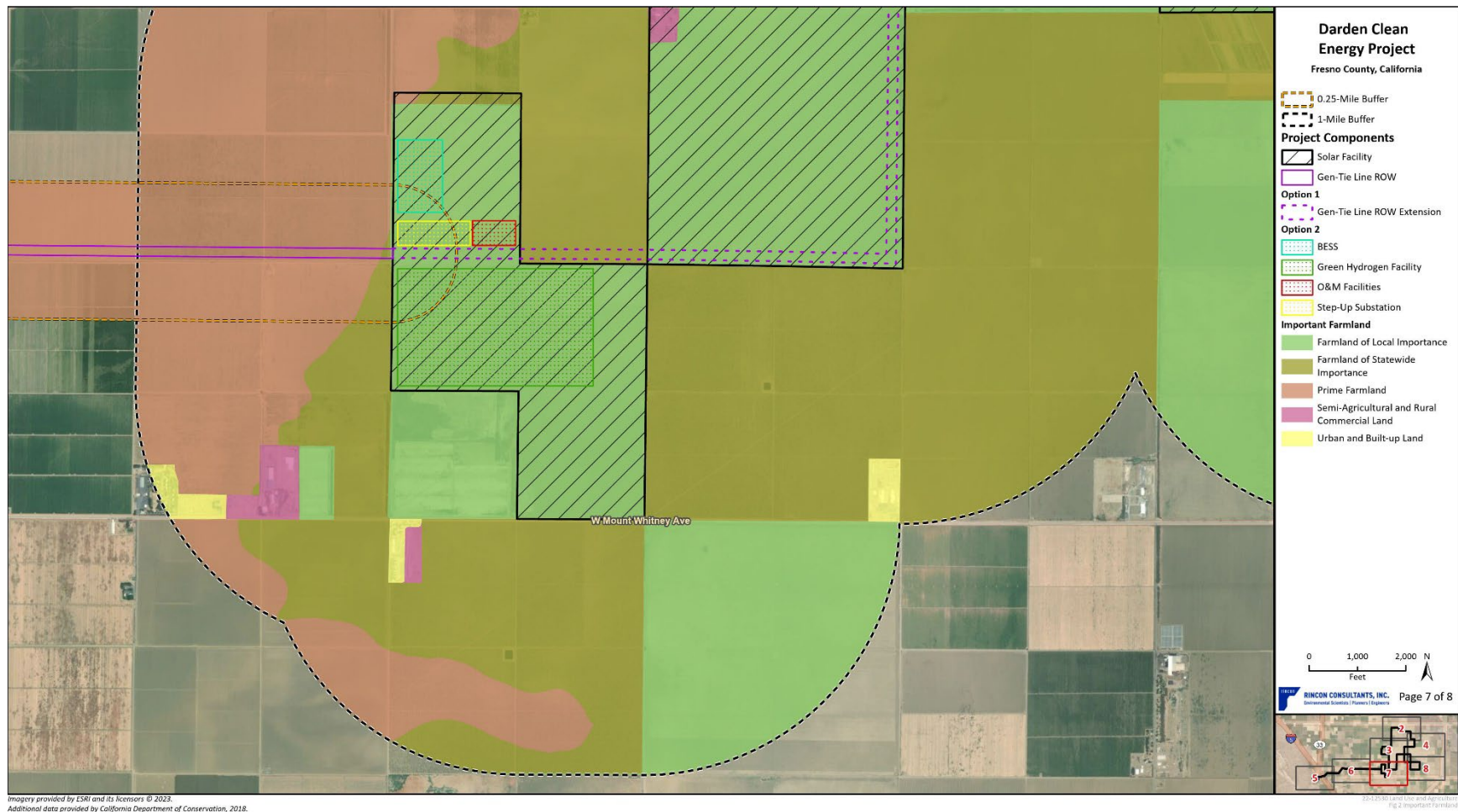


Figure 5.2-6h Farmland Mapping and Monitoring Program Designations (Mapbook Page 8)



### *Williamson Act Contract Lands*

The California Land Conservation Act of 1965 authorizes local governments to contract with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. Resource managers refer to these contracts as Williamson Act contracts. The minimum term for a Williamson Act contract is ten years. Figure 5.2-7a through Figure 5.2-7h show the locations of parcels subject to a Williamson Act contract within the study area.

#### *5.2.1.6 Other Applicable Planning Documents*

Aside from the Fresno County General Plan and zoning ordinances implemented by the County, there are no other applicable planning documents that provide for land use or development guidance/restrictions that could affect the Project.

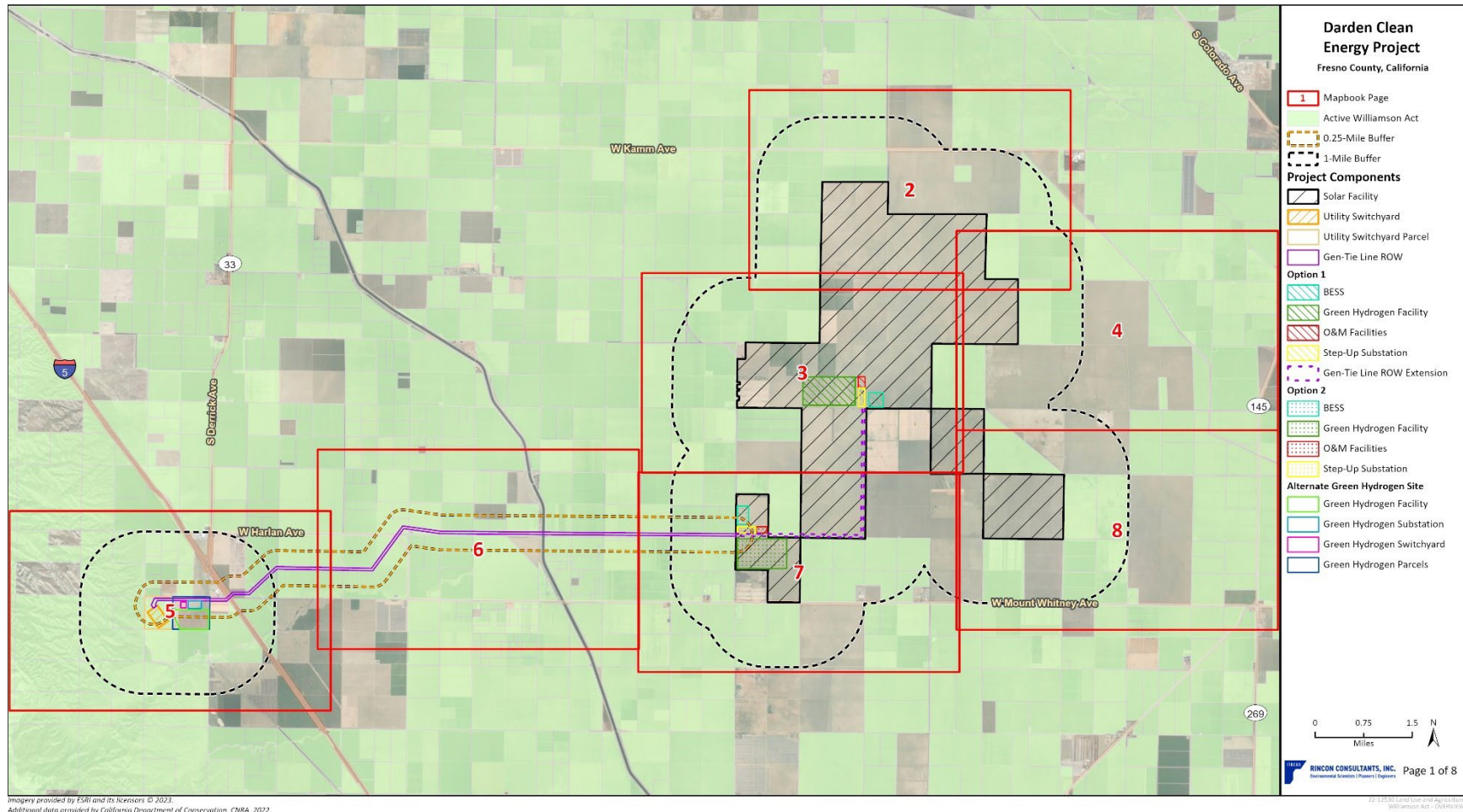
#### *5.2.1.7 Recent Proposed Zone Changes and General Plan Amendments*

The County is currently in the process of reviewing and revising the 2000 Fresno County General Plan and Zoning Ordinance. The public review drafts of the General Plan Policy Document, Background Report, and Zoning Ordinance Update were released in April 2023. However, the General Plan Review and Zoning Ordinance Update has not been approved, and no resulting revisions to the 2000 General Plan or Zoning Ordinance have been made. Therefore, the 2000 General Plan and Zoning Ordinance are considered in the analysis of this document. Discretionary review of the updates to the General Plan is currently underway.

Table 5-1 of Section 5, *Environmental Analysis*, provides a list of recent and proposed projects requiring discretionary review in proximity to the study area, including proposed General Plan Amendments and zone changes. As shown in Figure 5-1 of Section 5, *Environmental Analysis*, there are cumulative projects which involve a General Plan Amendment or rezoning; however, these projects do not occur within the study area.



Figure 5.2-7a Overview of Existing Williamson Act Contracts Within the Study Area



**Figure 5.2-7b Existing Williamson Act Contracts Within the Study Area (Mapbook Page 2)**





Figure 5.2-7c Existing Williamson Act Contracts Within the Study Area (Mapbook Page 3)

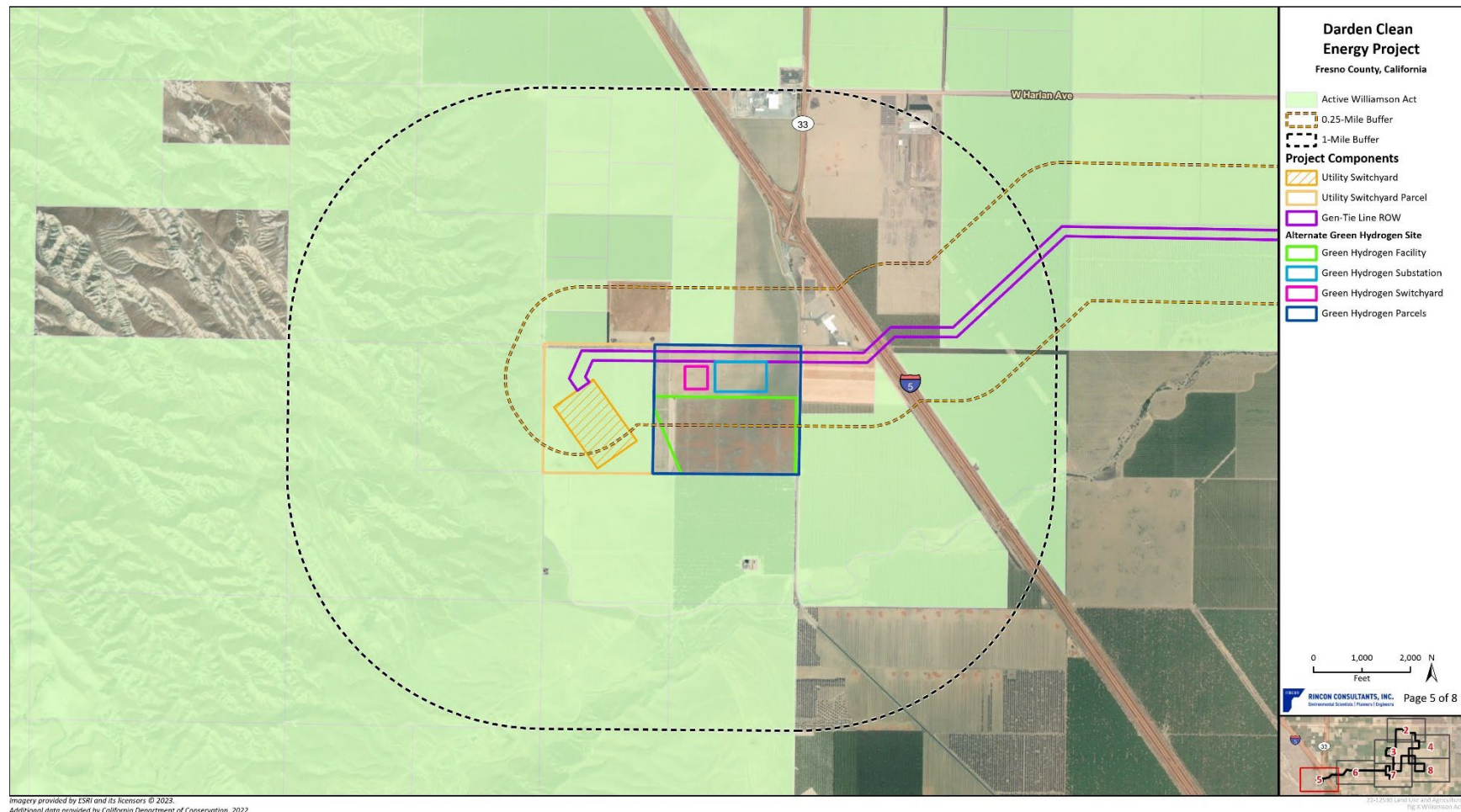




**Figure 5.2-7d Existing Williamson Act Contracts Within the Study Area (Mapbook Page 4)**



Figure 5.2-7e Existing Williamson Act Contracts Within the Study Area (Mapbook Page 5)



**Figure 5.2-7f Existing Williamson Act Contracts Within the Study Area (Mapbook Page 6)**

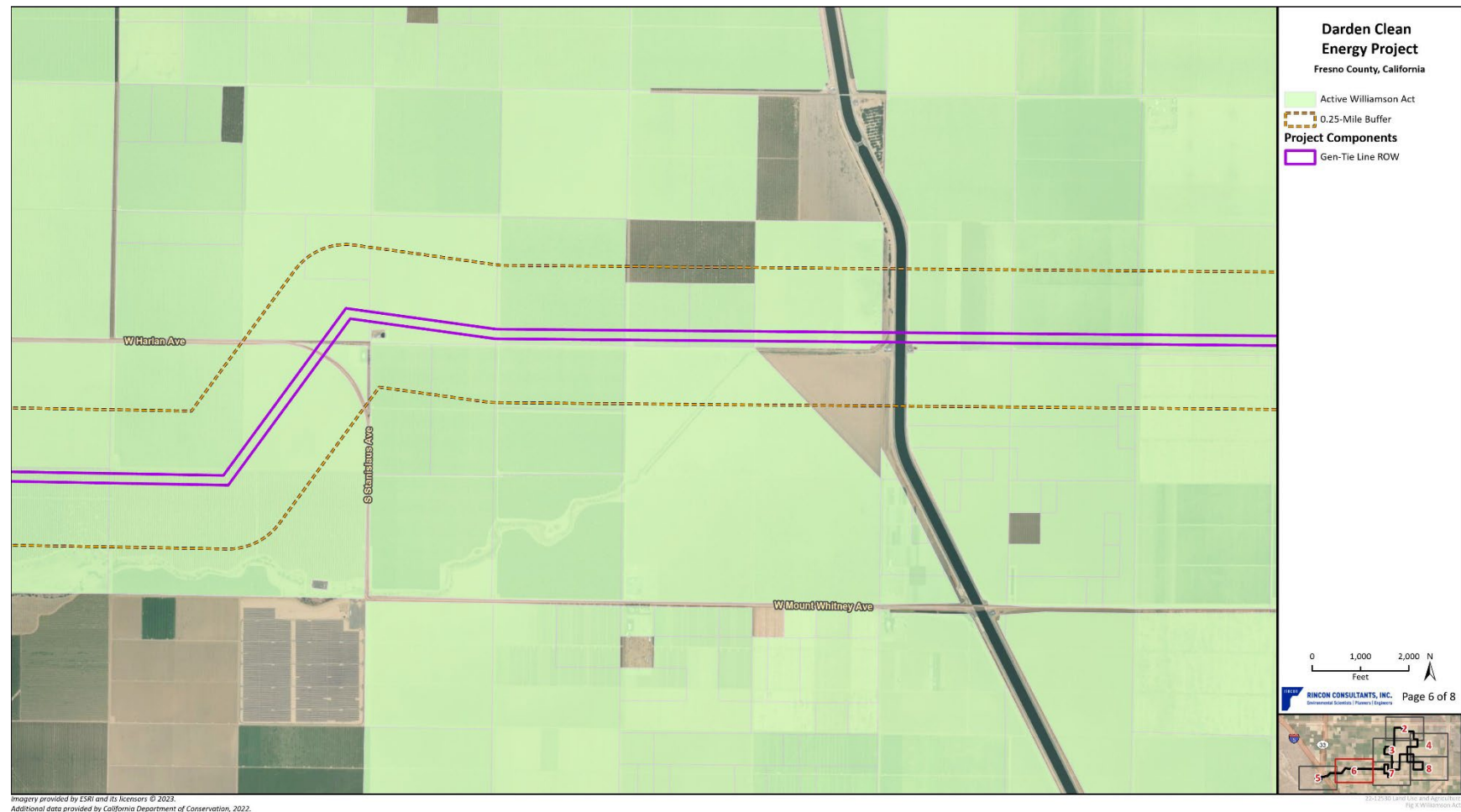




Figure 5.2-7g Existing Williamson Act Contracts Within the Study Area (Mapbook Page 7)





**Figure 5.2-7h Existing Williamson Act Contracts Within the Study Area (Mapbook Page 8)**



## 5.2.2 Regulatory Setting

Federal, state, and local LORS related to land use were reviewed for applicability to the Project. These are detailed in Section 5.2.5, Laws, Ordinances, Regulations, and Standards.

## 5.2.3 Impact Analysis

The following subsections discuss the potential direct and indirect impacts related to land use from construction and operation (including maintenance) of the Project.

### 5.2.3.1 Methodology

This impact analysis is based on a review of existing County of Fresno land use and zoning designations, as well as policies within the County's 2000 General Plan. In addition, FMMP maps and existing Williamson Act contracts were reviewed in order to determine the extent to which the Project would result in the conversion of agricultural land to non-agricultural use, as well as to determine compatibility with existing Williamson Act contracts.

### 5.2.3.2 Impact Evaluation Criteria

The potential for impacts to land use were evaluated using the criteria described in Appendix G of the California Environmental Quality Act (CEQA) Environmental Checklist (Appendix G of the CEQA Guidelines). Specific to land use and agricultural resources, the CEQA Checklist asks, would the project:

- Physically divide an established community;
- 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;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan;
- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, excepting those lands that would be expected to be converted or retired even without the project due to insufficient water resources for continued commercial agriculture, land subsidence due to historic groundwater over-pumping, soil contamination due to inadequate drainage, or the local weather effects of climate change;<sup>1</sup>
- Conflict with existing zoning for agricultural use, or a Williamson Act Contract; and/or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

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<sup>1</sup> This threshold has been revised from the CEQA Guidelines Appendix G question to more accurately assess impacts to lands that are currently mapped as Farmland, but which are expected to be converted or retired from Farmland independent of the Project due to insufficient water resources for continued commercial agriculture, land subsidence due to historic groundwater over-pumping, soil contamination due to inadequate drainage, and/or the local weather effects of climate change.

## Impact LU-1

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<b>Threshold:</b> Would the project physically divide an established community?
---

### Solar Facility, Step-Up Substation and Gen-Tie

#### *Construction*

**No Impact.** The Project site would be located in an undeveloped rural area. The nearest census-designated community is Cantua Creek, located approximately 3.9 miles west of the Project site. The nearest city is San Joaquin, located approximately 5.6 miles north of the Project site. Construction of the solar facility, Options 1 and 2 step-up substation, and gen-tie line ROW components would occur primarily within agricultural lands. Construction activities, including any necessary public road closures, would be temporary and short-term in nature. Access to businesses and other uses in the area surrounding the Project site would generally be maintained during construction, as alternative routes would be available. Construction of these Project components would not physically divide an established community and no impact would occur.

#### *Operation*

**No Impact.** The solar facility, Options 1 and 2 step-up substation, and gen-tie line ROW components would be located in an undeveloped rural area. The gen-tie line would be overhead; therefore, the gen-tie line would not physically divide an established community. Routine operation and maintenance activities associated with the solar facility, step-up substation, and gen-tie line would not disrupt existing access to surrounding communities which would continue to be connected via public, paved roads such as Mount Whitney Avenue and South Sonoma Avenue. Therefore, no impact would occur.

### BESS

#### *Construction*

**No Impact.** Construction of the Options 1 and 2 BESS components would occur within agricultural lands. The Option 1 BESS is located approximately 6.3 miles east of Cantua Creek, the nearest census-designated community, while Option 2 is located approximately 5.3 miles east of Cantua Creek. Construction activities, including any necessary public road closures, would be temporary and short-term in nature. Access to businesses and other uses in the area surrounding the Project site would generally be maintained during construction, as alternative routes would be available. Construction of this Project component would not physically divide an established community. Therefore, no impact would occur.

#### *Operation*

**No Impact.** The Options 1 and 2 BESS components would be located in an undeveloped rural area. The BESS does not include any components that would create a physical barrier that would hinder existing community access. Operation and maintenance activities associated with the BESS would not disrupt existing access to surrounding communities which would continue to be connected via public, paved roads such as Mount Whitney Avenue and South Sonoma Avenue. Therefore, no impact would occur.



## Green Hydrogen

### *Construction*

**No Impact.** Construction of the Options 1 and 2 green hydrogen component, and alternate green site would occur within agricultural lands, approximately 5 miles southeast and 5.5 miles south, respectively, from Cantua Creek, the nearest census-designated community. The green hydrogen facility does not include any components that would create a physical barrier that would hinder existing access to surrounding communities. Construction activities, including any necessary public road closures, would be temporary and short-term in nature. Access to businesses and other uses in the area surrounding the green hydrogen facility would generally be maintained during construction, as alternative routes would be available. Construction of this Project component would not physically divide an established community. Therefore, no impact would occur.

### *Operation*

**No Impact.** The Options 1 and 2 green hydrogen component, and the alternate site would be located in an undeveloped rural area. Operation and maintenance activities associated with the green hydrogen facility would not disrupt access to surrounding communities which would continue to be connected via public, paved roads and highways such as Interstate 5, Mt. Whitney Avenue, South Derrick Avenue, and South Sonoma Avenue. Therefore, no impact would occur.

## Utility Switchyard

### *Construction*

**No Impact.** Construction of the utility switchyard would occur within agricultural lands, approximately 7.4 miles southwest of Cantua Creek. Construction activities, including any necessary public road closures, would be temporary and short-term in nature. Access to businesses and other uses in the area surrounding the utility switchyard would generally be maintained during construction, as alternative routes would be available. Therefore, construction of the utility switchyard would not physically divide an established community. No impact would occur.

### *Operation*

**No Impact.** The utility switchyard would be located in an undeveloped rural area. Operation and maintenance activities associated with the green hydrogen facility would not disrupt access to surrounding communities which would continue to be connected via public, paved roads and highways such as Interstate 5, South Derrick Avenue, and West Harlan Avenue. Therefore, no impact would occur.

## Overall Project

**No Impact.** As described above, the Project site would be located primarily in an undeveloped rural area. The nearest census-designated community is Cantua Creek, located approximately 3.9 miles west from the Project site. The nearest city is San Joaquin, located approximately 5.6 miles north from the Project site. Construction activities, including any necessary public road closures, would be temporary and short-term in nature and access to surrounding communities would be maintained via alternative routes. The Project does not include components that would divide an established community and operation of the Project would not impede access to any public, paved roadways around the Project site. Therefore, no impact would occur.

Impact LU-2

<b>Threshold:</b>	Would the project 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?
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Consistent with the Opt-In Application process, the CEC will review the Project for consistency with local land use plans, policies, and regulations. The Warren-Alquist Act provides the CEC with exclusive jurisdictional authority over the siting of thermal power plants and related facilities. AB 205 (Chapter 61, 2022) expands CEC’s authority under the Warren-Alquist Act to establish a new certification program for eligible non-fossil-fueled power plants and related facilities to optionally seek certification from the CEC, using emergency rulemaking authority provided by AB 205. In the absence of the CEC’s jurisdiction, a Conditional Use Permit would be required to be issued by Fresno County in order to comply with the County’s Zoning Ordinance. As part of the Opt-In Application process, the CEC will collaborate with representatives from Fresno County to obtain their view on whether the Project is consistent with the County’s General Plan. For the purposes of this analysis, the Project is evaluated based on its conformity with existing Fresno County General Plan policies (2000). Table 5.2-5 provides an analysis of the Project’s conformity with relevant policies and objectives of the Fresno County General Plan.

Table 5.2-5 Project Conformity with the Fresno County General Plan

Policy	Consistency
<b>Agriculture and Land Use Element</b>	
<b>Policy LU-A.2</b> The County shall allow by right in areas designated Agriculture activities related to the production of food and fiber and support uses incidental and secondary to the on-site agricultural operation. Uses listed in Table LU-3 are illustrative of the range of uses allowed in areas designated Agriculture.	<b>Consistent.</b> In areas designated for agricultural activities, the County of Fresno permits utility-scale renewable energy uses with an Unclassified Conditional Use Permit based on the provisions set forth in Section 853.B.14 of the Zoning Ordinance of the County of Fresno.
<b>Policy LU-A.14</b> 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.	<b>Consistent.</b> The CEC’s discretionary review authority under AB 205 will assess the conversion of agricultural land and determine whether mitigation is warranted.
<b>Policy LU-D.4</b> The County shall generally limit development at major or minor commercial interchanges to one-square mile of land centered on the freeway interchange structure.	<b>Consistent.</b> The nearest interchange to the project site is the Interstate 5/Derrick Avenue interchange located approximately 0.5-mile north of the alternate green hydrogen facility. The alternate green hydrogen components and gen-tie line are located within one-square mile of the Interstate 5/Derrick Avenue interchange. The utility switchyard is partially within one-square mile of the Interstate 5/Derrick Avenue interchange but would be partially located outside of the one-square mile boundary. However, as described in Section 5.5, <i>Visual Resources</i> , with implementation of Mitigation Measure VIS-2 the placement of the utility switchyard would not substantially interfere with scenic views from the interchange. As described in Section 5.9, <i>Hazardous Materials Handling</i> , the placement of the utility switchyard would not establish incompatible and hazardous uses in proximity to the interchange.

Policy	Consistency
<b>Transportation and Circulation Element</b>	
<b>Policy TR-A.2</b> The County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county.	<b>Consistent.</b> The Project would maintain acceptable LOS for nearby roadways. Section 5.4, <i>Traffic and Transportation</i> , provides further discussion on the Project's potential impact on LOS.
<b>Policy TR-A.3</b> The County shall require that new or modified access to property abutting a roadway and to intersecting roads conform to access specifications in the Circulation Diagram and Standards section. Exceptions to the access standards may be permitted in the manner and form prescribed in the Fresno County Zoning and Subdivision Ordinances, provided that the designed safety and operational characteristics of the existing and planned roadway facility will not be substantially diminished.	<b>Consistent.</b> Project access would be designed to maintain existing roadway safety and operational characteristics. Section 5.4, <i>Traffic and Transportation</i> , provides further discussion on Project access.
<b>Policy TR-A.5</b> The County shall require dedication of right-of-way or dedication and construction of planned road facilities as a condition of land development, and require an analysis of impacts of traffic from all land development projects including impacts from truck traffic. Each such project shall construct or fund improvements necessary to mitigate the effects of traffic from the project. The County may allow a project to fund a fair share of improvements that provide significant benefit to others through traffic impact fees.	<b>Consistent.</b> Section 5.4, <i>Traffic and Transportation</i> , provides analysis of impacts of traffic, including mitigation measures.
<b>Policy TR-A.7</b> The County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.	<b>Consistent.</b> The applicant and CEC would collaborate with the County of Fresno to adhere to applicable County requirements. Section 5.4, <i>Traffic and Transportation</i> , provides further discussion on the Project's potential impacts to the local and regional transportation system.
<b>Policy TR-A.8</b> The County shall ensure that land development that affects roadway use or operation or requires roadway access to plan, dedicate, and construct required improvements consistent with the criteria in the Circulation Diagram and Standards section of this element.	<b>Consistent.</b> The Project would not substantially affect roadway use or operation and no improvements are anticipated to be required. Section 5.4, <i>Traffic and Transportation</i> , provides further discussion on the Project's potential impacts to roadways.
<b>Public Facilities and Services Element</b>	
<b>Policy PF-A.2</b> The County shall require new industrial development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided.	<b>Consistent.</b> Due to the location of the Project site, it is infeasible to be served by existing community utilities. Section 5.11, <i>Waste Management</i> , provides further discussion on the Project's sewer systems. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's stormwater and water systems.
<b>Policy PF-C.1</b> The County shall actively engage in efforts and support the efforts of others to retain existing water supplies within Fresno County.	<b>Consistent.</b> The Project would not preclude the County of Fresno from engaging in or supporting efforts to retain existing water supplies within Fresno County. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impact on water supply.
<b>Policy PF-C.3</b> To reduce demand on the county's groundwater resources, the County shall encourage the use of surface water to the maximum extent feasible.	<b>Consistent.</b> The Project would demonstrate sufficient surface water and groundwater supplies are available through implementation of Mitigation Measure WAT-1. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impact on water supply.



Policy	Consistency
<b>Policy PF-C.9</b> The County shall work with local irrigation districts to preserve local water rights and supply.	<b>Consistent.</b> Westlands Water District would subject the Project site to a non-irrigation covenant in order to preserve water supply in Fresno County.
<b>Policy PF-C.11</b> The County shall assure an on-going water supply to help sustain agriculture and accommodate future growth by allocation of resources necessary to carry out the water resource management programs.	<b>Consistent.</b> The Project would demonstrate sufficient water supplies are available through implementation of Mitigation Measure WAT-1. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impact on water supply.
<b>Policy PF-C.12</b> The County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.	<b>Consistent.</b> The Project would demonstrate sufficient water supplies are available through implementation of Mitigation Measure WAT-1. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impact on water supply.
<p><b>Policy PF-C.17</b> The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</li> <li>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</li> <li>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</li> </ul>	<b>Consistent.</b> A Water Supply Assessment was prepared for the Project. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impact on water supply.
<b>Policy PF-C.26</b> The County shall encourage the use of reclaimed water where economically, environmentally, and technically feasible.	<b>Consistent.</b> Recycled water is not currently available to the Project site, and is therefore not feasible. Appendix S provides further discussion of recycled water.

Policy	Consistency
<b>Policy PF-C.28</b> The County shall encourage agricultural water conservation where economically, environmentally, and technically feasible.	<b>Consistent.</b> The Project would be located on land which Westlands Water District has designated for retirement from irrigated agriculture and which would be subject to a non-irrigation covenant when transferred to the Applicant, which would continue to restrict agricultural water use at the Project site
<b>Policy PF-D.5</b> The County shall promote efficient water use and reduced wastewater system demand by: a. Requiring water-conserving design and equipment in new construction; b. Encouraging retrofitting with water-conserving devices; and c. Designing wastewater systems to minimize inflow and infiltration, to the extent economically feasible.	<b>Consistent.</b> The Project would include water conservation measures and would recycle or treat and discharge wastewater. Section 5.11, <i>Waste Management</i> , provides further discussion on wastewater. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's water use.
<b>Policy PF-D.6</b> The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.	<b>Consistent.</b> The Project's wastewater disposal system would minimize impacts to water quality. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impacts to water quality.
<b>Policy PF-E.6</b> The County shall require that drainage facilities be installed concurrently with and as a condition of development activity to ensure the protection of the new improvements as well as existing development that might exist within the watershed.	<b>Consistent.</b> The Project would implement drainage facilities to ensure the protection of the Project. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's drainage facilities.
<b>Policy PF-E.9</b> The County shall require new development to provide protection from the 100-year flood as a minimum.	<b>Consistent.</b> The Project would be constructed to provide protection from inundation in flood hazard areas, including the implementation of drainage facilities around the BESS site and installation of steel piles to support solar panels which would minimize the redirection of flood flows. Section 5.13, <i>Water Resources</i> , provides further discussion on 100-year flood hazards.
<b>Policy PF-E.13</b> The County shall encourage the use of natural storm water drainage systems to preserve and enhance natural drainage features.	<b>Consistent.</b> The Project includes the installation of detention basins to provide stormwater drainage. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impact related to stormwater.
<b>Policy PF-E.21</b> The County shall require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities, and shall encourage the urban storm drainage systems and agricultural activities to use BMPs.	<b>Consistent.</b> The Project would implement BMPs in accordance with the Construction General Permit and Project-specific Stormwater Pollution Prevention Plan. Section 5.13, <i>Water Resources</i> , provides further discussion on BMPs.
<b>Policy PF-F.1</b> The County shall continue to promote maximum use of solid waste source reduction, reuse, recycling, composting, and environmentally-safe transformation of wastes.	<b>Consistent.</b> The Project would comply with applicable regulations related to solid waste disposal. Section 5.11, <i>Waste Management</i> , provides further discussion on the Project's impact related to solid waste.
<b>Policy PF-F.4</b> The County shall ensure that all new development complies with applicable provisions of the County Integrated Waste Management Plan.	<b>Consistent.</b> The Project would comply with applicable regulations related to solid waste disposal. Section 5.11, <i>Waste Management</i> , provides further discussion on the Project's impact related to solid waste.
<b>Policy PF-F.5</b> The County shall not allow the siting of new landfills. The County shall phase out privately-owned	<b>Consistent.</b> The Project would not require the siting of new landfills. Section 5.11, <i>Waste Management</i> , provides

Policy	Consistency
landfills, except for inert disposal sites. The County shall not permit existing privately-owned landfills to expand beyond the current capacities, which are defined in their solid waste facility permits.	further discussion on the Project's impact related to solid waste.
<b>Policy PF-G.6</b> The County shall promote the incorporation of safe design features (e.g., lighting, adequate view from streets into parks) into new development by providing Sheriff Department review of development proposals.	<b>Consistent.</b> The Project includes safe design features such as security cameras, chain-link fencing, on-call security personnel, and monitoring equipment to increase safety on-site. As part of the Opt-In Application process, the CEC will collaborate with representatives from the Fresno County Department of Public Works and Planning to ensure the Project does not conflict with this County's General Plan, including review by the Sheriff Department, if necessary.
<b>Policy PF-H.5</b> The County shall require that new development be designed to maximize safety and minimize fire hazard risks to life and property.	<b>Consistent.</b> The Project would comply with the requirements of the California Fire Code to reduce the risk of fire. The BESS design would be required to be approved by the State Fire Marshal. On-site vegetation would be managed to reduce fire risk. Fire safety and suppression measures, such as smoke detectors and extinguishers, would be installed and available at the O&M facility, if required by the Fresno County Fire Protection District.
<b>Open Space and Conservation Element</b>	
<b>Policy OS-A.2</b> The County shall provide active leadership in the regional coordination of water resource management efforts affecting Fresno County and shall continue to monitor and participate in, as appropriate, regional activities affecting water resources, groundwater, and water quality.	<b>Consistent.</b> The Project would develop water supply scenarios and a diversified supply portfolio to avoid local groundwater drawdown or other adverse effects. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impacts related to water.
<b>Policy OS-A.18</b> The County shall require that natural watercourses are integrated into new development in such a way that they are accessible to the public and provide a positive visual element and a buffer area between waterways and urban development in an effort to protect water quality and riparian areas.	<b>Consistent.</b> The Project would not interfere with watercourses. Section 5.12, <i>Biological Resources</i> , provides further discussion on the Project's potential impacts to riparian areas. Section 5.13, <i>Water Resources</i> , provides further discussion on the Project's potential impacts related to water quality.
<b>Policy OS-A.19</b> The County shall require the protection of floodplain lands and, where appropriate, acquire public easements for purposes of flood protection, public safety, wildlife preservation, groundwater recharge, access, and recreation.	<b>Consistent.</b> The Project would not result in significant impacts related to floodplains. Section 5.13, <i>Water Resources</i> , provides further discussion on floodplains.
<b>Policy OS-A.24</b> The County shall require new development near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in storm waters, flowing river, stream, creek, or reservoir waters.	<b>Consistent.</b> The Project would not be located near rivers, creeks, reservoirs, or substantial aquifer recharge areas. Section 13, <i>Water Resources</i> , provides further discussion on the Project's potential water quality impacts.
<b>Policy OS-A.25</b> The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the rainy season unless adequately mitigated to avoid sedimentation of creeks and damage to riparian habitat.	<b>Consistent.</b> The Project would minimize sedimentation and erosion impacts. Section 5.12, <i>Biological Resources</i> , provides further discussion related to vegetation removal. Section 5.14, <i>Soils</i> , provides further discussion related to erosion.



Policy	Consistency
<p><b>Policy OS-A.26</b> The County shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff.</p>	<p><b>Consistent.</b> The Project would implement BMPs in accordance with the Construction General Permit and Project-specific Stormwater Pollution Prevention Plan. Section 5.13, <i>Water Resources</i>, provides further discussion on BMPs.</p>
<p><b>Policy OS-E.1</b> The County shall support efforts to avoid the “net” loss of important wildlife habitat where practicable. In cases where habitat loss cannot be avoided, the County shall impose adequate mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the function, and value of the habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements should include provisions for maintenance and management in perpetuity. The County shall recommend coordination with the US Fish and Wildlife Service and the California Department of Fish and Game to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat and habitat components include nesting, breeding, and foraging areas, important spawning grounds, migratory routes, migratory stopover areas, oak woodlands, vernal pools, wildlife movement corridors, and other unique wildlife habitats (e.g., alkali scrub) critical to protecting and sustaining wildlife populations.</p>	<p><b>Consistent.</b> As described in Section 5.12, <i>Biological Resources</i>, the Project would implement mitigation measures to minimize potential adverse effects related to the loss of habitat used by special-status species.</p>
<p><b>Policy OS-E.2</b> The County shall require adequate buffer zones between construction activities and significant wildlife resources, including both onsite habitats that are purposely avoided and significant habitats that are adjacent to the project site, in order to avoid the degradation and disruption of critical life cycle activities such as breeding and feeding. The width of the buffer zone should vary depending on the location, species, etc. A final determination shall be made based on informal consultation with the US Fish and Wildlife Service and/or the California Department of Fish and Game.</p>	<p><b>Consistent.</b> The Project would implement buffer zones to protect wildlife, if applicable. Section 5.12, <i>Biological Resources</i>, provides further discussion related to wildlife buffers.</p>
<p><b>Policy OS-E.3</b> The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the value of the habitat for wildlife is maintained.</p>	<p><b>Consistent.</b> The Project would minimize impacts to wildlife. Section 5.12, <i>Biological Resources</i>, provides further discussion related to the Project’s potential impacts on wildlife.</p>
<p><b>Policy OS-E.6</b> The County shall ensure the conservation of large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife populations, as long as this preservation does not threaten the economic well-being of the county.</p>	<p><b>Consistent.</b> The Project would not have a significant impact on wildlife habitat. Section 5.12, <i>Biological Resources</i>, provides further discussion related to the Project’s potential impacts on wildlife habitat.</p>
<p><b>Policy OS-E.9</b> Prior to approval of discretionary development permits, the County shall require, as part of any required environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based upon field reconnaissance performed at the appropriate time of year</p>	<p><b>Consistent.</b> As described in Section 5.12, <i>Biological Resources</i>, field reconnaissance surveys of the Project site were conducted December 14-16, 2022, and March 31, 2023. Section 5.12, <i>Biological Resources</i>, includes a discussion of potential impacts to biological resources and mitigation measures.</p>

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to determine the presence or absence of significant resources and/or special-status plants or animals. Such evaluation will consider the potential for significant impact on these resources and will either identify feasible mitigation measures or indicate why mitigation is not feasible.	
<b>Policy OS-E.17</b> The County should preserve, to the maximum possible extent, areas defined as habitats for rare or endangered animal and plant species in a natural state consistent with State and Federal endangered species laws.	<b>Consistent.</b> The Project site is not located in USFWS-delineated critical habitat and the Project would minimize potential impacts to special-status species. Section 5.12, <i>Biological Resources</i> , provides further discussion related to special-status species and habitat.
<b>Policy OS-F.5</b> The County shall establish procedures for identifying and preserving rare, threatened, and endangered plant species that may be adversely affected by public or private development projects. As part of this process, the County shall require, as part of the environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based on field reconnaissance performed at the appropriate time of year to determine the presence or absence of significant plant resources and/or special-status plant species. Such evaluation shall consider the potential for significant impact on these resources and shall either identify feasible mitigation measures or indicate why mitigation is not feasible.	<b>Consistent.</b> Field reconnaissance surveys were conducted for the Project site, which informs the analysis of the Project's potential to impact biological resources. Section 5.12, <i>Biological Resources</i> , provides further discussion on the field reconnaissance surveys.
<b>Policy OS-F.8</b> The County should encourage landowners to maintain natural vegetation or plant suitable vegetation along fence lines, drainage and irrigation ditches and on unused or marginal land for the benefit of wildlife.	<b>Consistent.</b> The Project would maintain habitat for wildlife species. Section 5.12, <i>Biological Resources</i> includes a discussion of the Project's potential impacts on vegetation used by wildlife.
<b>Policy OS-G.13</b> The County shall include fugitive dust control measures as a requirement for subdivision maps, site plans, and grading permits. This will assist in implementing the SJVAPCD's particulate matter of less than ten (10) microns (PM10) regulation (Regulation VIII). Enforcement actions can be coordinated with the Air District's Compliance Division.	<b>Consistent.</b> Project construction would control fugitive dust in accordance with the requirements of the San Joaquin Valley Air Pollution Control District and through implementation of Mitigation Measure AQ-2. During operation and maintenance of the Project, revegetation would be conducted to control dust across the solar facility site. Soil binders would be used to control dust on roads and elsewhere on the Project site, as needed. Section 5.7, <i>Air Quality</i> , provides further discussion on Project construction's potential impact related to fugitive dust.
<b>Policy OS-G.14</b> The County shall require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.	<b>Consistent.</b> The Project would minimize particulate matter emissions in accordance with SJVAPCD thresholds. Section 5.7, <i>Air Quality</i> , provides further discussion of the Project's potential impacts related to particulate matter.
<b>Policy OS-J.1</b> The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archeological and	<b>Consistent.</b> Section 5.1, <i>Cultural Resources and Tribal Cultural Resources</i> , includes a discussion of the Project's potential impacts on historical and archaeological resources and mitigation measures. Section 5.15, <i>Paleontological Resources</i> , includes a discussion of the Project's potential impacts on paleontological resources.

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historic resources, and provision for resource recovery and preservation when displacement is unavoidable.	
<b>Policy OS-K.1</b> The County shall encourage the preservation of outstanding scenic views, panoramas, and vistas wherever possible. Methods to achieve this may include encouraging private property owners to enter into open space easements for designated scenic areas.	<b>Consistent.</b> The Project would minimize impacts to scenic views, panoramas, and vistas with implementation of Mitigation Measures VIS-1 and VIS-2. Section 5.5, <i>Visual Resources</i> , provides further discussion of the Project's potential impacts on scenic views, panoramas, and vistas.
<b>Policy OS-K.4</b> The County should require development adjacent to scenic areas, vistas, and roadways to incorporate natural features of the site and be developed to minimize impacts to the scenic qualities of the site.	<b>Consistent.</b> The Project would minimize impacts to scenic views and vistas with implementation of Mitigation Measures VIS-1 and VIS-2. Section 5.5, <i>Visual Resources</i> , provides further discussion of the Project's potential impacts on scenic views and vistas.
<p><b>Policy OS-L.3</b> The County shall manage the use of land adjacent to scenic drives and scenic highways based on the following principles:</p> <ul style="list-style-type: none"> <li>a. Timber harvesting within or adjacent to the right-of-way shall be limited to that which is necessary to maintain and enhance the quality of the forest;</li> <li>b. Proposed high voltage overhead transmission lines, transmission line towers, and cell towers shall be routed and placed to minimize detrimental effects on scenic amenities visible from the right-of-way;</li> <li>c. Installation of signs visible from the right-of-way shall be limited to business identification signs, on-site real estate signs, and traffic control signs necessary to maintain safe traffic conditions. All billboards and other advertising structures shall be prohibited from location within view of the right-of-way;</li> <li>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 when any one of the following conditions exist: <ul style="list-style-type: none"> <li>1. Topographic or vegetative characteristics preclude such a setback;</li> <li>2. Topographic or vegetative characteristics provide screening of buildings and parking areas from the right-of-way;</li> <li>3. Property dimensions preclude such a setback; or</li> <li>4. Development proposal involves expansion of an existing facility or an existing concentration of uses.</li> </ul> </li> <li>e. Subdivision proposals shall be designed to minimize the number of right-of-way access drives;</li> <li>f. Developments involving concentration of commercial uses shall be designed to function as an integral unit</li> </ul>	<p><b>Consistent.</b> Of the bullet points in Policy OS-L.3, only bullet point (b) is applicable to the Project. The gen-tie would be located overhead across Interstate 5. Implementation of Mitigation Measure VIS-1 would reduce potential impacts related to color contrast and glare of the gen-tie line. Section 5.5, <i>Visual Resources</i>, provides further discussion of the Project's potential impacts on scenic drives and scenic highways.</p>



Policy	Consistency
<p>with common parking areas and right-of-way access drives; and</p> <p>g. Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscape plantings or artificial screens which harmonize with the natural landscape.</p>	
Health and Safety Element	
<p><b>Policy HS-A.1</b> The County shall, through the Fresno County Operational Area Master Emergency Services Plan, maintain the capability to effectively respond to emergency incidents, including maintenance of an emergency operations center.</p>	<p><b>Consistent.</b> The Project would include implementation of an Emergency Action Plan during construction and O&amp;M consistent with this policy. Section 5.10, <i>Worker Safety</i>, provides further discussion on emergency operations.</p>
<p><b>Policy HS-A.4</b> The County shall continue to conduct programs to inform the general public of emergency preparedness and disaster response procedures.</p>	<p><b>Consistent.</b> The Project would include implementation of an Emergency Action Plan during construction and O&amp;M consistent with this policy. Section 5.10, <i>Worker Safety</i>, provides further discussion on disaster preparedness.</p>
<p><b>Policy HS-B.1</b> The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p><b>Consistent.</b> The Project would include preparation and implementation of Fire Protection and Prevention Plans during construction and O&amp;M activities consistent with this policy. Section 5.10, <i>Worker Safety</i>, provides further discussion on fire protection and prevention.</p>
<p><b>Policy HS-B.13</b> The County shall work with local fire agencies to develop high-visibility fire prevention programs, including education programs and voluntary home inspections.</p>	<p><b>Consistent.</b> The Project would include preparation and implementation of Fire Protection and Prevention Plans during construction and O&amp;M activities consistent with this policy. Section 5.10, <i>Worker Safety</i>, provides further discussion on fire protection and prevention.</p>
<p><b>Policy HS-C.10</b> The County shall require that all placement of structures and/or floodproofing be done in a manner that will not cause floodwaters to be diverted onto adjacent property, increase flood hazards to other property, or otherwise adversely affect other property.</p>	<p><b>Consistent.</b> The Project would be constructed to provide protection from inundation in flood hazard areas, including the implementation of drainage facilities around the BESS site and installation of steel piles to support solar panels which would minimize the redirection of flood flows. Section 5.13, <i>Water Resources</i>, provides further discussion on 100-year flood hazards.</p>
<p><b>Policy HS-D.1</b> The County shall continue to support scientific geologic investigations that refine, enlarge, and improve the body of knowledge on active fault zones, unstable areas, severe groundshaking, avalanche potential, and other hazardous geologic conditions in Fresno County.</p>	<p><b>Consistent.</b> A geotechnical investigation is being prepared for the Project. Section 5.16, <i>Geological Hazards and Resources</i>, provides further discussion on the geotechnical investigation.</p>
<p><b>Policy HS-D.2</b> The County shall ensure that the General Plan and/or County Ordinance Code is revised, as necessary, to incorporate geologic hazard areas formally designated by the State Geologist (e.g., Earthquake Fault Zones and Seismic Hazard Zones). Development in such areas, including public infrastructure projects, shall not be allowed until compliance with the investigation and mitigation requirements established by the State Geologist can be demonstrated.</p>	<p><b>Consistent.</b> The Project would incorporate recommendations made in the Project-specific geotechnical investigation. Section 5.16, <i>Geological Hazards and Resources</i>, provides further discussion on potential geological impacts.</p>
<p><b>Policy HS-D.3</b> The County shall require that a soils engineering and geologic-seismic analysis be prepared by a California-registered engineer or engineering geologist prior to permitting development, including public infrastructure projects, in areas prone to geologic or seismic hazards (i.e., fault rupture, groundshaking, lateral</p>	<p><b>Consistent.</b> A geotechnical report has been prepared for the Project, and Project construction would adhere to the specifications, procedures, and site conditions contained in the geotechnical report. Section 5.14, <i>Soils</i>, provides</p>

Policy	Consistency
spreading, lurchcracking, fault creep, liquefaction, subsidence, settlement, landslides, mudslides, unstable slopes, or avalanche).	further discussion of the result of the geotechnical report.
<b>Policy HS-D.4</b> The County shall require all proposed structures, additions to structures, utilities, or public facilities situated within areas subject to geologic-seismic hazards as identified in the soils engineering and geologic-seismic analysis to be sited, designed, and constructed in accordance with applicable provisions of the Uniform Building Code (Title 24 of the California Code of Regulations) and other relevant professional standards to minimize or prevent damage or loss and to minimize the risk to public safety.	<b>Consistent.</b> The Project would be constructed in compliance with the applicable requirements of Title 24 of the California Code of Regulations and the California Building Code. Section 5.16, <i>Geological Hazards and Resources</i> , provides further discussion of geologic hazards and applicable regulations.
<b>Policy HS-D.5</b> Pursuant to the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code, Chapter 7.5), the County shall not permit any structure for human occupancy to be placed within designated Earthquake Fault Zones unless the specific provisions of the Act and Title 14 of the California Code of Regulations have been satisfied.	<b>Consistent.</b> Project components would not be located in an Alquist-Priolo earthquake fault zone.
<b>Policy HS-D.7</b> The County shall ensure compliance with State seismic and building standards in the evaluation, design, and siting of critical facilities, including police and fire stations, school facilities, hospitals, hazardous material manufacture and storage facilities, bridges, large public assembly halls, and other structures subject to special seismic safety design requirements.	<b>Consistent.</b> The Project would be constructed in compliance with the applicable requirements of Title 24 of the California Code of Regulations and the California Building Code. Section 5.16, <i>Geological Hazards and Resources</i> , provides further discussion of geologic hazards and applicable regulations.
<b>Policy HS-D.8</b> The County shall require a soils report by a California-registered engineer or engineering geologist for any proposed development, including public infrastructure projects, that requires a County permit and is located in an area containing soils with high “expansive” or “shrink-swell” properties. Development in such areas shall be prohibited unless suitable design and construction measures are incorporated to reduce the potential risks associated with these conditions.	<b>Consistent.</b> The Project would implement recommendations stated in the geotechnical report prepared for the Project. Section 5.14, <i>Soils</i> , provides further discussion of expansive soils on the Project site.
<b>Policy HS-D.9</b> The County shall seek to minimize soil erosion by maintaining compatible land uses, suitable building designs, and appropriate construction techniques. Contour grading, where feasible, and revegetation shall be required to mitigate the appearance of engineered slopes and to control erosion.	<b>Consistent.</b> The Project would adhere to applicable regulations to minimize soil erosion. Section 5.14, <i>Soils</i> , provides further discussion on the Project’s potential impact related to soil erosion.
<b>Policy HS-D.12</b> In known or potential landslide hazard areas, the County shall prohibit avoidable alteration of land in a manner that could increase the hazard, including concentration of water through drainage, irrigation, or septic systems, undercutting the bases of slopes, removal of vegetative cover, and steepening of slopes.	<b>Consistent.</b> The Project site is not in a known or potential landslide hazard area.
<b>Policy HS-F.1</b> The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	<b>Consistent.</b> Project construction and operation would comply with the provisions of the Hazardous Material Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Materials Management Act, and California Code of Regulations Title 22. Section 5.9, <i>Hazardous Materials Handling</i> , provides further

Policy	Consistency
	discussion of the Project's potential impacts related to the transport, use, and disposal of hazardous materials.
<b>Policy HS-F.2</b> The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.	<b>Consistent.</b> The Project Opt-In Application includes relevant information regarding hazardous material waste, recycling, and storage. Section 5.9, <i>Hazardous Materials Handling</i> , provides further discussion of how the Project would handle, recycle, and store hazardous materials.
<b>Policy HS-F.4</b> For redevelopment or infill projects or where past site uses suggest environmental impairment, the County shall require that an investigation be performed to identify the potential for soil or groundwater contamination. In the event soil or groundwater contamination is identified or could be encountered during site development, the County shall require a plan that identifies potential risks and actions to mitigate those risks prior to, during, and after construction.	<b>Consistent.</b> Results of the Phase I Environmental Site Assessments prepared for the Project are described in Section 5.11, <i>Waste Management</i> .
<b>Policy HS-G.1</b> The County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.	<b>Consistent.</b> The Project would adhere to the noise requirements of the Fresno County General Plan. Section 5.3, <i>Noise</i> , provides further discussion on the Project's potential noise impacts.
<b>Policy HS-G.4</b> So that noise mitigation may be considered in the design of new projects, the County shall require an acoustical analysis as part of the environmental review process where: a. Noise sensitive land uses are proposed in areas exposed to existing or projected noise levels that are "generally unacceptable" or higher according to the Chart HS-1: "Land Use Compatibility for Community Noise Environments;" b. Proposed projects are likely to produce noise levels exceeding the levels shown in the County's Noise Control Ordinance at existing or planned noise-sensitive uses.	<b>Consistent.</b> The Project would adhere to the noise requirements of the Fresno County General Plan. Section 5.3, <i>Noise</i> , provides further discussion on the Project's potential noise impacts.
<b>Policy HS-G.5</b> Where noise mitigation measures are required to achieve acceptable levels according to land use compatibility or the Noise Control Ordinance, the County shall place emphasis of such measures upon site planning and project design. These measures may include, but are not limited to, building orientation, setbacks, earthen berms, and building construction practices. The County shall consider the use of noise barriers, such as soundwalls, as a means of achieving the noise standards after other design-related noise mitigation measures have been evaluated or integrated into the project.	<b>Consistent.</b> The Project would adhere to the noise requirements of the Fresno County General Plan. Section 5.3, <i>Noise</i> , provides further discussion on the Project's potential noise impacts.
<b>Policy HS-G.6</b> The County shall regulate construction-related noise to reduce impacts on adjacent uses in accordance with the County's Noise Control Ordinance.	<b>Consistent.</b> The Project would adhere to the noise requirements of the Fresno County General Plan. Section 5.3, <i>Noise</i> , provides further discussion on the Project's potential noise impacts.
<b>Policy HS-G.8</b> The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, "Land Use Compatibility for Community Noise Environments."	<b>Consistent.</b> The Project would adhere to the noise requirements of the Fresno County General Plan. Section 5.3, <i>Noise</i> , provides further discussion on the Project's potential noise impacts.
Source: County of Fresno 2000	



## Solar Facility, Step-Up Substation, and Gen-Tie

### *Construction*

**No Impact.** As described in Table 5.2-5, construction of the solar facility, Options 1 and 2 step-up substation, and gen-tie line components would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

### *Operation*

**No Impact.** As described in Table 5.2-5, operation of the solar facility, step-up substation, and gen-tie would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

## BESS

### *Construction*

**No Impact.** As described in Table 5.2-5, construction of the Options 1 and 2 BESS component would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

### *Operation*

**No Impact.** As described in Table 5.2-5, operation of the Options 1 and 2 BESS component would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

## Green Hydrogen

### *Construction*

**No Impact.** As described in Table 5.2-5, construction of the Options 1 and 2 green hydrogen component, and the alternate component site would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

### *Operation*

**No Impact.** As described in Table 5.2-5, operation of the Options 1 and 2 green hydrogen component, and the alternate component site would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

## Utility Switchyard

### *Construction*

**No Impact.** As described in Table 5.2-5, construction of the utility switchyard would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

### *Operation*

**No Impact.** As described in Table 5.2-5, operation of the utility switchyard would not conflict with a plan, policy, or regulation identified to avoid or mitigate an impact on the environment. Therefore, no impact would occur.

### **Overall Project**

**No Impact.** As shown in Table 5.2-5, the Project would be consistent with the County of Fresno's General Plan. Furthermore, the Project would comply with applicable federal and state regulations related to environmental protection, including but not limited to regulations designed to protect biological resources, protect cultural resources, reduce water quality impacts, and minimize risk from handling hazardous materials. Accordingly, the overall Project would not cause a significant environmental impact due to conflicts with a land use plan, policy, or regulation. No impact would occur.

### **Impact LU-3**

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<b>Threshold:</b>	Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
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The Project site is not located within any local, regional, or State conservation planning areas. Refer to Section 5.12, *Biological Resources*, for a discussion of potential impacts related to this impact evaluation criteria.

### **Impact LU-4**

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<b>Threshold:</b>	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, excepting those lands that would be expected to be converted or retired even without the project due to insufficient water resources for continued commercial agriculture, land subsidence due to historic groundwater over-pumping, soil contamination due to inadequate drainage, or the local weather effects of climate change?
<b>Threshold:</b>	Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

### **Solar Facility, Step-Up Substation, and Gen-Tie**

#### *Construction and Operation*

**Less Than Significant Impact.** The Options 1 and 2 step-up substation component would not be located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively, "Farmland") and therefore would not convert Farmland to non-agricultural use. A small amount of designated Prime Farmland and Farmland of Statewide Importance are present on the solar facility site and the gen-tie line ROW. In addition, a small amount of Unique Farmland is also present in the gen-tie line ROW. The gen-tie line would be overhead and held up by tubular steel poles. These

poles would not substantially preclude agricultural operations or require the conversion of parcels with Farmland to non-agricultural use. As described in the *Agricultural Use* discussion of Section 5.2.1.5, *Specific Land Uses within the Study Area*, Prime Farmland and Farmland of Statewide Importance are, by definition, irrigated lands. As part of the land transfer to the Applicant, Westlands Water District would subject this land to a non-irrigation covenant, meaning the land would be restricted from current and future irrigated agricultural use (Westlands Water District GSA and County of Fresno GSA-Westside 2022). Accordingly, parcels in the proposed location of the solar facility, including the Options 1 and 2 step-up substation, would not meet the definition of Prime Farmland or Farmland of Statewide Importance. Therefore, the solar facility and step-up substation would not convert Farmland to non-agricultural use. This impact would be less than significant.

## **BESS**

### *Construction and Operation*

**No Impact.** The Options 1 and 2 BESS component would not be located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the BESS would not convert Farmland to non-agricultural uses. No impact would occur.

## **Green Hydrogen (Options 1 and 2)**

### *Construction and Operation*

**Less Than Significant Impact.** The green hydrogen component on the Option 1 site would not occur on lands that meet the definition of Prime Farmland and Farmland of Statewide Importance because, as described above, Westlands Water District would subject this land to a non-irrigation covenant which would restrict the land from current and future irrigated agricultural use. Therefore, the green hydrogen component on the Option 1 site would not convert Farmland to non-agricultural uses. The green hydrogen component at the Option 2 site would not occur on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the green hydrogen component on the Option 2 site would not convert Farmland to non-agricultural uses. This impact would be less than significant.

## **Green Hydrogen Facility (Alternate Site)**

### *Construction and Operation*

**Less Than Significant Impact.** The green hydrogen facility on the alternate site would result in the conversion of approximately 101 acres currently designated as Prime Farmland to non-agricultural use. However, almond farming on this parcel ceased in 2022 and the Farmland that would be converted would be expected to be retired in compliance with SGMA along with an estimated 500,000 additional acres of land in the San Joaquin Valley by approximately 2040. Therefore, the green hydrogen facility on the alternate site would have a less than significant impact on the conversion of Farmland.

## Utility Switchyard

### *Construction and Operation*

**Less Than Significant Impact.** The utility switchyard would result in the conversion of approximately 99 acres currently designated as Prime Farmland and approximately 38 acres of Farmland of Statewide Importance to non-agricultural use. However, this Farmland would be expected to be retired in compliance with SGMA with an estimated 500,000 additional acres of land in the San Joaquin Valley by approximately 2040. Therefore, the utility switchyard would not result in the loss of Farmland, and this impact would be less than significant.

## Overall Project

**Less Than Significant Impact.** The overall Project would result in the conversion of approximately 200 acres of currently designated Prime Farmland and 38 acres of Farmland of Statewide Importance that would be expected to be retired from agricultural use in compliance with SGMA. If the green hydrogen facility is built on the Option 1 or Option 2 sites, the overall Project would result in the conversion of approximately 99 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance. These acreages represent approximately 2.5 percent and 1.4 percent of the approximate 9,500-acre Project site, respectively. In considering the size of the Project site relative to the acreage of Farmland that would be converted, in addition to the fact that these lands would be expected to be retired in compliance with SGMA, the overall Project would have a less than significant impact on the conversion of Farmland to non-agricultural uses.

## Impact LU-5

<b>Threshold:</b>	Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?
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Consistent with the Opt-In Application process, the CEC will review the Project for consistency with local zoning. For the purposes of this analysis, the Project is evaluated based on its potential to conflict with existing Williamson Act contracts.

## Solar Facility, Step-Up Substation, and Gen-Tie

### *Construction*

**Less Than Significant Impact.** The solar facility and Options 1 and 2 step-up substation components would not be located on lands which are under a current Williamson Act contract. As shown in Figure 5.2-7a, the gen-tie line ROW crosses parcels which are subject to Williamson Act contracts. Linear facilities such as gen-tie lines are statutorily deemed to be compatible with Williamson Act contracts per Government Code Section 51238(a)(1) which states: “Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve”. Fresno County has not made any contrary determination and therefore the gen-tie line is deemed compatible. Accordingly, these Project components would not require the cancellation of Williamson Act contracts under Government Code Section 51238. Therefore, construction of these



Project components would not conflict with existing Williamson Act contracts. This impact would be less than significant.

#### *Operation*

**Less Than Significant Impact.** As discussed in *Construction*, the solar facility, and Options 1 and 2 step-up substation components would not be located on lands which are under a current Williamson Act contract and operation of the gen-tie line would not conflict with existing Williamson Act contracts per Government Code Section 51238. This impact would be less than significant.

### **BESS**

#### *Construction*

**No Impact.** Construction of the Options 1 and 2 BESS component would not occur on parcels subject to a Williamson Act contract. Therefore, no impact would occur.

#### *Operation*

**No Impact.** Operation of the Options 1 and 2 BESS component would not occur on parcels subject to a Williamson Act contract. Therefore, no impact would occur.

### **Green Hydrogen**

#### *Construction*

**No Impact.** Construction of the Options 1 and 2 green hydrogen component and the alternate component site would not occur on parcels subject to a Williamson Act contract. Therefore, this Project component would not conflict with existing agricultural preserves or a Williamson Act contract. No impact would occur.

#### *Operation*

**No Impact.** Operation of the Options 1 and 2 green hydrogen component and alternate component site would not conflict with existing Williamson Act contracts. No impact would occur.

### **Utility Switchyard**

#### *Construction*

**Less Than Significant Impact.** As shown in Figure 5.2-7a, the utility switchyard would be located within a parcel which is subject to a Williamson Act contract. However, the utility switchyard is an electric facility considered under Government Code Section 51238(a)(1) to be compatible with an agriculture preserve and the County has not made any contrary determination (“Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve”). In addition, the acquisition of the utility switchyard by Pacific Gas & Electric would be viewed as acquisition of the land subject to contrary “in lieu of eminent domain” which would automatically void the contract in any event. Government Code Section 51295 states: “When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a

contract is filed, or when that land is acquired in lieu of eminent domain for a public improvement by a public agency or person, or whenever there is any such action or acquisition by the federal government or any person, instrumentality, or agency acting under the authority or power of the federal government, the contract shall be deemed null and void as to the land actually being condemned, or so acquired as of the date the action is filed, and for the purposes of establishing the value of the land, the contract shall be deemed never to have existed.” Accordingly, the Project would not require the cancellation of Williamson Act contracts and construction of this Project component would not conflict with existing agricultural preserves or a Williamson Act contract. This impact would be less than significant.

### *Operation*

**Less Than Significant Impact.** The operation of the utility switchyard would not conflict with existing Williamson Act contracts per Government Code Section 51238. This impact would be less than significant.

### **Overall Project**

**Less Than Significant Impact.** The overall Project would not require the cancellation of Williamson Act contracts on Project parcels subject to a Williamson Act contract because Project components would either not be located on parcels subject to a Williamson Act contract or would be compatible with an agricultural preserve under Government Code Section 51238(a)(1) or the contract would become null and void upon its acquisition by Pacific Gas & Electric. Therefore, the construction and operation of the overall Project would have a less than significant impact related to conflicts with Williamson Act contracts.

## **5.2.4 Cumulative Impacts**

Impacts of the Project would be considered cumulatively considerable if they would have the potential to combine with other past, present, or reasonably foreseeable projects to become significant. A list of closely related past, present, and reasonably foreseeable projects are provided in Table 5-1 of Section 5, *Environmental Analysis*.

### **Overall Project**

As described in Impact LU-1, Impact LU-2, and Impact LU-3, the Project would result in no impacts related to the division of an established community, conflicts with a land use plan, or conflicts with a Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the Project would cause no impact that could cause or contribute to cumulative impacts to these issue areas.

Cumulative agricultural impacts would occur if cumulative development would convert Farmland to non-agricultural uses, excluding those lands that would be expected to be converted or retired due to insufficient water resources for continued commercial agriculture, land subsidence due to historic groundwater over-pumping, soil contamination due to inadequate drainage, or the local weather effects of climate change. Existing development in Fresno County that necessitates the use of groundwater contributes to a current lack of water availability for crops, degradation of soil quality, and subsidence of agricultural land in Fresno County. These developments have resulted in degradation of agricultural land in Fresno County such that this land has become increasingly unsuitable for irrigated agricultural activities. Furthermore, in compliance with SGMA and local water district regulations, agricultural land has been retired from agricultural production due to water availability constraints. Accordingly, existing cumulative development has created water

supply and land degradation constraints that has necessitated the conversion of Farmland to non-agricultural use, thereby creating a significant cumulative impact.

As described in Impact LU-4, the overall Project could result in the conversion of up to approximately 200 acres of lands currently designated as Prime Farmland and 38 acres of Farmland of Statewide Importance. However, the overall Project would be located on land that is either planned or is expected to be retired from agricultural use due to water constraints. The overall Project, a renewable energy facility, is intended to provide an alternative use of the degraded agricultural land on the Project site which, as described in Section 5.13, *Water Resources*, requires minimal water use during construction and operation and would not contribute to additional overdraft which would otherwise cause the retirement of additional agricultural land. Therefore, the overall Project would not contribute considerably to cumulative impacts regarding the loss of Farmland.

Cumulative impacts related to conflicts with existing agricultural zoning or a Williamson Act contract would occur if cumulative development on land zoned for agriculture would include facilities not permitted on agricultural land or require the cancellation of Williamson Act contracts. Cumulative projects, including FC-4, would be located on land zoned for agricultural use and subject to a Williamson Act contract (Conservation Biology Institute 2015). The majority of cumulative projects would be compatible with an agricultural preserve either because the project is intended for agricultural use or is compatible in accordance with Government Code Section 51238(a)(1). However, cumulative project FC-1 would redesignate approximately 15 acres of land from Agricultural to Service Commercial use, and therefore could result in potential conflicts with existing Williamson Act contracts. Although identifying Williamson Act contract status trend data can be challenging because of inconsistent reporting (DOC 2022b), this cumulative analysis conservatively assumes that a significant cumulative impact may exist from planned and pending projects with respect to Williamson Act conflicts. As described in Impact LU-5, the Project would not necessitate the cancellation of Williamson Act contracts because the Project is a compatible use as an electric facility under Government Code Section 51238. Therefore, the Project would not contribute considerably to any potential cumulative impacts related to conflicts with existing agricultural zoning or a Williamson Act contract.

### **Utility Switchyard**

As described in Impact LU-1, Impact LU-2, and Impact LU-3, the utility switchyard would result in no impacts related to the division of an established community, conflicts with a land use plan, or conflicts with a Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the utility switchyard would cause no impact that could cause or contribute to cumulative impacts.

Construction and operation of the utility switchyard is considered in the cumulative impact analysis of the overall Project discussed above; therefore, similar to the overall Project, the Utility Switchyard would not have a considerable contribution to cumulative impacts related to the conversion of Farmland to non-agricultural uses or conflicts with Williamson Act contracts.

## **5.2.5 Laws, Ordinances, Regulations, and Standards**

This section lists and discusses the land use LORS that apply to the Project. Consistent with the CEC's Application for Certification requirements, all plans and policies applicable to the study area are summarized below. As discussed above, the Project site is entirely within unincorporated Fresno County. Table 5.2-6 summarizes the LORS relevant to the Project.

**Table 5.2-6 LORS Applicable to Land Use**

<b>Jurisdiction</b>	<b>LORS</b>	<b>Applicability</b>	<b>Opt-In Application Reference</b>	<b>Project Conformity</b>
State	California Environmental Quality Act	Requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of the Project and to reduce environmental impacts to the extent feasible.	Throughout this Opt-In Application	The Project's approval by the CEC would comply with CEQA, as required by the CEC's Opt-In Application process.
State	Warren-Alquist Act (Public Resources Code Section 25000 et seq.)	Legislation that created and gives statutory authority to the CEC.	Impact LU-2	The Project would conform with the Warren-Alquist Act, as required by the CEC's Opt-In Application process.
State	California Lands Conservation Act (Williamson Act)	Preserves agricultural land and encourages open space preservation and efficient urban growth.	Impact LU-5	Project components located on land subject to a Williamson Act contract would be compatible with uses of an agricultural preserve.
State	Government Code Section 51238(a)(1)	Designates gas, electric, water, communication, and agricultural laborer housing facilities as compatible uses within any agricultural preserve	Impact LU-5	The utility switchyard and gen-tie line are designated as electric facilities which is a compatible use with an agricultural preserve.
State	Sustainable Groundwater Management Act (SGMA)	Requires groundwater management agencies to bring groundwater withdrawals into sustained yields over a 20-year period, which is anticipated to result in retirement of an estimated 500,000 acres of land in San Joaquin Valley from 2014 through 2040.	Impact LU-4	The majority of the Project components would be sited on agricultural land being retired in accordance with SGMA requirements.
Local	Sagoupe Settlement Agreement	Requires land within the Project Area to be permanently retired from irrigated agriculture in compliance with a Court order settling claims of improper drainage services provided by the US Bureau of Reclamation.	Section 5.2.1.2	Land within the Project Area is subject to retirement from agricultural use.
Local	County of Fresno General Plan (2000)	Comprehensive long-range plan to serve as the guide for the physical development of the County.	Impact LU-2	The Project would be consistent with the policies of the County of Fresno General Plan (2000).



Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Local	County of Fresno Zoning Ordinance	Establishes zoning districts governing land use and the placement of buildings and district improvements.	Impact LU-2	The Project is a permitted use with an Unclassified Conditional Use Permit based on the provisions set forth in Section 853.B.14 of the Zoning Ordinance of the County of Fresno.

#### 5.2.5.1 Federal LORS

Because the Project site is located on private lands within the State of California and in the County of Fresno, there are no federal laws and regulations concerning land use that apply to the construction and operation of the Project.

#### 5.2.5.2 State LORS

### California Environmental Quality Act

CEQA requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of the Project and to reduce environmental impacts to the extent feasible. Appendix G of the CEQA Guidelines includes recommended criteria for evaluating potential impacts related to land use.

### Warren-Alquist Act and Assembly Bill 205

The Warren-Alquist Act provides the CEC with jurisdictional authority over the construction and operation of thermal power plants and related facilities, establishing CEC certification in lieu of any otherwise required state and local permits and superseding any otherwise applicable state or local policies, laws, regulations and ordinances. AB 205 (Chapter 61, 2022) expands CEC's authority under the Warren-Alquist Act to establish a new certification program for eligible non-fossil-fueled power plants and related facilities to optionally seek certification from the CEC, using emergency rulemaking authority provided by AB 205.

### California Land Conservation Act (Williamson Act) and Government Code Section 51238(a)(1)

The California Land Conservation Act of 1965, commonly known as the Williamson Act, was enacted to encourage preservation of agricultural lands and encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to create an agricultural preserve and agree to keep their land in agricultural production (or another compatible use) for at least 10 years.

Pursuant to Government Code Section 51238(a)(1), "Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve". The Project would not

require the cancellation of Williamson Act contracts due to the compatibility of the Project as electric facilities under Government Code Section 51238.

### **Sustainable Groundwater Management Act**

SGMA is a comprehensive three-bill package that was signed into State law in September 2014. SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for State intervention if necessary to protect the resource. The plan is intended to ensure a reliable groundwater supply for California for years to come. SGMA requires governments and water agencies of high- and medium-priority basins to halt overdrafts of groundwater basins. SGMA requires the formation of local groundwater sustainability agencies (GSAs) that are required to adopt Groundwater Sustainability Plans to manage the sustainability of the groundwater basins. Implementation of SGMA in San Joaquin Valley is anticipated to result in 500,000 acres of land retired from agricultural uses. The Project site is on land expected to be retired in accordance with SGMA.

### **Sagouspe Settlement Agreement**

The Sagouspe Settlement Agreement, executed September 15, 2015, requires land within Westlands Water District jurisdiction to be permanently retired from irrigated agriculture in compliance with a United States District Court order settling claims of improper drainage services provided by the United States Bureau of Reclamation (United States District Court for the Eastern District of California 2015). Parcels within the Project site are subject to the Sagouspe Settlement Agreement and planned for retirement from irrigated agriculture.

#### *5.2.5.3 Local LORS*

### **Fresno County General Plan and Zoning Ordinance**

Each California city and County government's General and Specific Plan (California State Planning Law, Government Code Section 65302 et seq.) include land use provisions that reflect the goals and policies that guide the physical development of land in their jurisdiction. The County of Fresno Public Works and Planning Department is responsible for enforcing the County's General Plan and zoning ordinance. The County of Fresno permits utility-scale renewable energy uses in areas designated for agricultural activities with an Unclassified Conditional Use Permit based on the provisions set forth in Section 853.B.14 of the Zoning Ordinance of the County of Fresno. The Project's consistency with the County's General Plan and Zoning Ordinance is discussed under Impact LU-2.

#### *5.2.6 Agencies and Agency Contact*

CEC review and approval of this Opt-in Application would satisfy compliance with land use consistency requirements. Because of the exclusive jurisdiction of the CEC, no other land use permits from other agencies are required for the Project.

#### *5.2.7 Permits and Permit Schedule*

The Applicant and CEC would collaborate with the Fresno County Public Works and Planning Department on review of this Opt-in Application to ensure compliance with Fresno County land use designations and requirements. Because of the exclusive jurisdiction of the CEC, no other land use permits are required for the Project.

## 5.2.8 References

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