



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 2 August 24, 2023

SUBJECT: Unclassified Conditional Use Permit Application No. 3671 - Luna Valley Solar Project – First One-Year Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3671, which authorized the construction, operation, maintenance, and ultimate decommissioning of a photovoltaic (PV) electricity generating facility, which will generate an estimated 200-megawatts (MW) with and estimated 200 megawatts of battery energy storage. The proposed project is comprised of the solar panel array, battery energy storage components, and a 34.5 kilovolt (KV) overhead transmission line with supporting electrical infrastructure.

LOCATION: The project site is located on the west side of State Route 33 (S. Derrick Avenue), between the W. South Avenue and W. Dinuba Avenue, bisected by W. Manning Avenue, and approximately nine miles south of the City of Mendota (APNs: 028-060-34T, 69ST, 70ST, 71ST, 72ST, 028-101-15ST, 17ST, 19ST, 29ST, 58ST, 59ST, 65ST, 69ST, 72ST, 74ST, 77ST) (Sup. Dist. 1).

OWNER: Westlands Water District

APPLICANT: Luna Valley Solar I, LLC

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve a first one-year time extension for Conditional Use Permit No. 3671; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Zoning Map
3. Land Use Map
4. Planning Commission Resolution dated November 18, 2021

ENVIRONMENTAL DETERMINATION:

An Environmental Impact Report was adopted by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Conditional Use Permit No. 3671 on November 18, 2021.

PUBLIC NOTICE:

Notices of this public hearing were sent to 28 property owners within one mile of the subject parcels, exceeding the 300-foot minimum notification requirements prescribed by California Government Code Section 65091 and the County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the Conditional Use Permit.

The decision of the Planning Commission regarding a Conditional Use Permit Time Extension is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit No. 3671 was approved by the Planning Commission on November 18, 2021, and became effective 15 days later, with an approval period of two-years as per the County Ordinance. Therefore, without substantial development, the UCUP would expire as of December 3, 2023.

The Applicant filed this time extension request on May 31, 2023, prior to the expiration date noted above.

ANALYSIS/DISCUSSION

Approval of a time extension request for a Conditional Use Permit is appropriate if circumstances beyond the control of the Applicant cause delays in development. The Planning Commission's consideration in evaluating this request is limited to determining whether or not the Applicant should be granted the time extension to exercise the approved Conditional Use Permit.

According to the Applicant's requesting the time extension, the additional time is needed to adhere to the planned construction schedule, and address delays with the public utility transmission system to which the project connects, and delays associated with sourcing of materials and supply chain issues.

This time extension was routed to the same agencies and Departments who reviewed the original project. None of those agencies or Department identified any changes in circumstances, or the need for additional conditions, or expressed any concerns with the proposed time extension.

CONCLUSION:

Based on the analysis above, Staff believes the first one-year time extension for CUP 3671 should be approved. Approval of this time extension will extend the expiration date of CUP 3671 to December 3, 2024.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the first one-year time extension for CUP 3671; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the one-year time extension for CUP 3671 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

See attached Exhibit 1.

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EXHIBIT 1

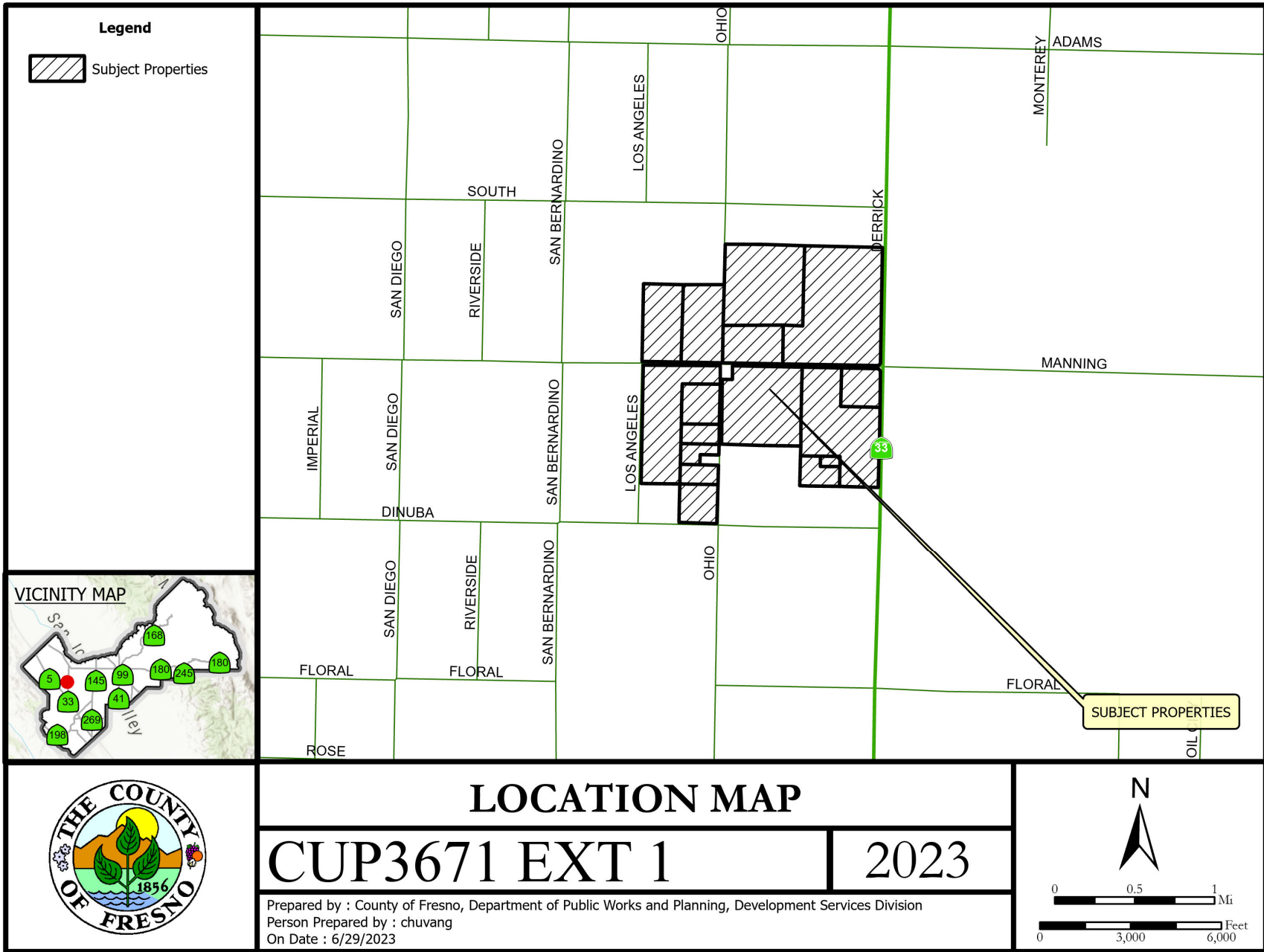


EXHIBIT 1

EXHIBIT 2

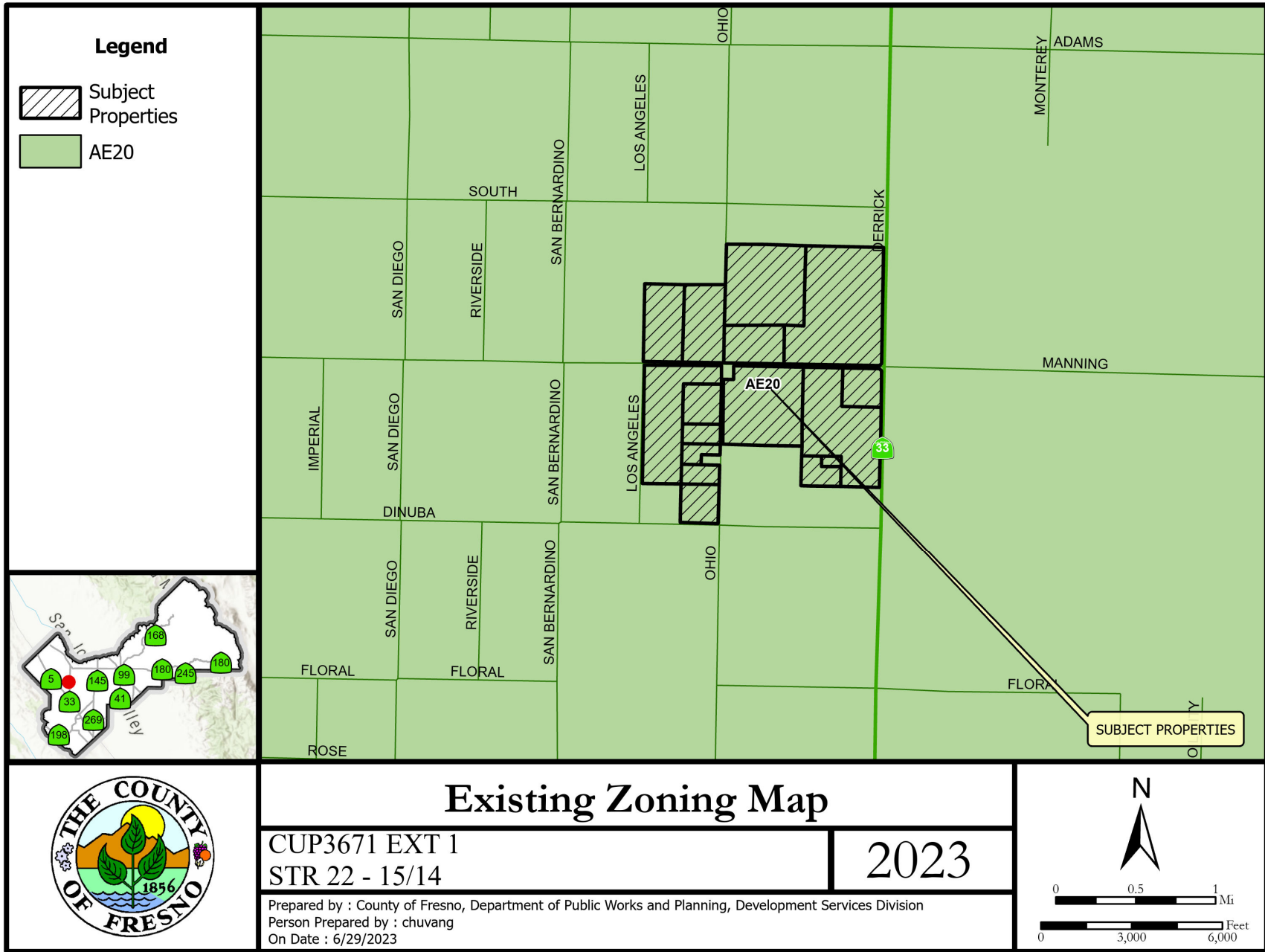


EXHIBIT 2



County of Fresno

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

December 29, 2021

Luna Valley Solar I, LLC
100 California Street, Suite 400
San Francisco, CA 94111

Dear Applicant:

Subject: Resolution No. 12916 – Environmental Impact Report No. 7813 and Classified Conditional Use Permit Application No. 3671

On November 18, 2021, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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

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

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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7813 Resolution Letter.doc

Enclosure

CC: Janna Scott, Environmental Science Associates, Inc.



Inter Office Memo

DATE: November 18, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12916 – ENVIRONMENTAL IMPACT REPORT NO. 7813
AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3671

APPLICANT: Luna Valley Solar I, LLC

OWNER: Westlands Water District

REQUEST: Allow the construction, operation, maintenance, and ultimate decommissioning of a photovoltaic (PV) electricity generating facility, which will generate an estimated 200-megawatts (MW) with and estimated 200 megawatts of battery energy storage. The proposed project is comprised of the solar panel array, battery energy storage components, and a 34.5 kilovolt (KV) overhead transmission line with supporting electrical infrastructure. The proposed project is located on 16 parcels totaling approximately 1,300 acres in unincorporated Fresno County. A new transmission line (gen-tie line) would be constructed to connect the solar and batter storage components the adjacent Pacific Gas and Electric's (PG&E's) Tranquillity Substation (point of interconnect). The anticipated lifetime of the proposed project would be 40 years and would be decommissioned once operations of the facility cease.

LOCATION: The project site is located on the west side of State Route 33 (S. Derrick Avenue), between W. South Avenue and W Dinuba Avenue; bisected by W. Manning Avenue, and approximately nine miles south of the City of Mendota (APNs: 028-060-34T, 69ST, 70ST, 71ST, 72ST, 028-101-15ST, 17ST, 19ST, 29ST, 58ST, 59ST, 65ST, 69ST, 72ST, 74ST, 77ST) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

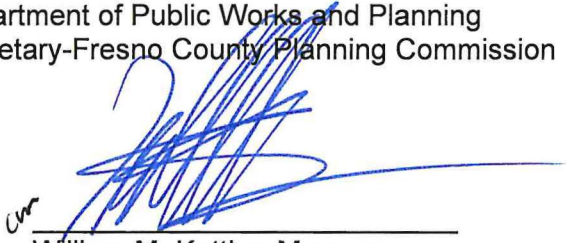
At its hearing of November 18, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Ewell to adopt the California Environmental Quality Act (CEQA) Findings of Fact attached as Exhibit B certifying Environmental Impact Report No. 7813 for the Luna Valley Solar Project, and approve the Mitigation Monitoring and Reporting Program prepared for Unclassified Conditional Use Permit Application No. 3671, determine that the required Findings for a Conditional Use Permit can be made for the project as discussed in the Staff Report, and approve Unclassified Conditional Use Permit Application No. 3671 subject to the Mitigation Measures, Conditions of approval and Project Notes included in Exhibit C.

This motion passed on the following vote:

VOTING: Yes: Commissioners Chatha, Ewell, Abrahamian, Carver, and Hill
 No: None
 Absent: Commissioners Eubanks, and Ede
 Abstain: None
 Recused: Commissioner Woolf

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

By: 

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

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RESOLUTION # 12916

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

Attachments

EXHIBIT A

Environmental Impact Report No. 7813
Classified Conditional Use Permit Application No. 3671

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 18, 2021 and heard a summary presentation by staff and the project's environmental consultant.
- Applicant: The Applicant was present at the hearing but did not offer any additional information, regarding the intended use:
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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