County of Fresno

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

Planning Commission Staff Report
Agenda Item No. 2
March 26, 2023

SUBJECT: **Unclassified Conditional Use Permit Application No. 3742 and Initial Study Application No. 8230**

Allow the installation of a new solar facility with related equipment on a 40-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: **The subject parcel is located on the west side of South Fairfax Ave. between West Panoche Ave. and West South Avenue (APN: 027-121-15S) (Section 17, Township 15s, Range 13e) (Sup. Dist. 1).**

OWNER: **Richard Hewitson**

APPLICANT: **CES Electron Farm One**

REPRESENTATIVE: **Paul Conflitti**

STAFF CONTACT: **Elliot Racusin, Planner**
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 8229; and
- Approve Unclassified Conditional Use Permit No. 3742 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Operational Statement
7. Reclamation Plan
8. Summary of Initial Study Application No. 8230
9. Site Photos
10. Elevations

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	**Existing**	**Proposed**
General Plan Designation	Agricultural	No Change
Zoning	AE-20	No Change
Parcel Size	40-acres	No Change
Project Site	Vacant Land (Agricultural)	Installation of a new solar facilities and related equipment
Structural Improvements	Vacant Land (Agricultural)	Installation of a new solar facilities and related equipment
Nearest Residence	N/A	N/A
Surrounding Development	Farmland	No Change
Operational Features	N/A	The solar facility will be remotely operated and monitored. The facility will be accessed during a 1-week period in the mid-spring and 1-week in late summer.

Criteria	Existing	Proposed
		Local contractors will do the mechanical and electrical maintenance and PV module cleaning as needed during these periods.
Employees	N/A	Minimal number of employees for maintenance
Customers	N/A	N/A
Traffic Trips	Residential Traffic	The facility will be accessed during a 1-week period in the mid-spring and 1-week in late summer.
Lighting	Residential Lighting	Hooded lighting
Hours of Operation	N/A	Continuous operation

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

N**one**

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8230 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent of Mitigated Negative Declaration publication date: December 23, 2022

PUBLIC NOTICE:

Notices were sent to 7 property owners within one mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified Conditional Use Permit No. 3742 Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

A cancellation petition for removal of the 40-acre area that is proposed to be used for the proposed solar facility from the Williamson Act contract for consideration by the Agricultural Land Conservation Committee "ALCC" and the Board of Supervisors shall run concurrently to this land use permit. The ALCC considered the Applicant's cancelation application on March 8th and adopted a resolution recommending that the Board of Supervisors deny the application for cancelation of the contract.

Fresno County Planning Commissioners' recommendation runs independently of ALCC's recommendation for denial.

BACKGROUND INFORMATION:

CES Electron Farm One LLC is a solar energy generation facility located in Western Fresno County near the Panoche Energy Center. The Facility design capacity of 4.4 MW requires 20-acres on the easter half of the 40-acre parcel APN 027-121-15S.

The site is controlled with a 32-year land lease agreement with Hewitson Limited Partnership, Avenal CA.

The facility was located on this parcel for several good reasons: (1) the current landowner has never used the parcel for farming, (2) the landowner is willing to lease the land for a 32-year term, (3) the parcel is less than 2 wire miles from the Panoche Substation, (4) the Panoche Substation has one of the few remaining circuits in California without existing solar energy generation, (5) PG&E and CAISO have approved the distribution grid upgrades and Interconnection Agreement, (6) the project is in a California Environmental Justice Census Tract and a Federal Opportunity Zone and (7) therefore it can get a construction-to-term loan that is guaranteed by USDA.

The facility is constructed with the following equipment: 12,960 PV modules,144 single-axis tracking racks, 4.4 MVA central inverter, and Point of Interconnection cabinet. The POI cabinet is the only piece of equipment that is located outside the perimeter fence area.

A 6 foot high fence shall be installed around the perimeter of the 40-acre site. The fence is setback 20 feet from the property line, and the equipment is an additional 30 feet inward from the fence (50 feet equipment setback). The fence shall have a 6-inch clearance on the lower side to allow native animal migration through the site. Appropriate warning/danger signs shall be posted on the fence at regular intervals. Any additional recommendations from the County shall be implemented.

Finding 1: ***That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.***

	Current Standard:	**Proposed Operation:**	**Is Standard Met (y/n)**
Setbacks	AE-20	AE-20	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: + 35 feet Side: + 30 feet Rear: + 20 feet	
Parking	No Requirement	No Requirement	Y
Lot Coverage	No Requirement	No Requirement	Y
Space Between Buildings	No Requirement	No Requirement	Y
Wall Requirements	No Requirement	No Requirement	Y
Septic Replacement Area	N/A	N/A	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage pot: 150 feet	No Change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

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

Finding 1 Analysis:

The proposed solar facility meets all setback requirements of the AE-20 (Exclusive Agricultural) Zone District.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 can be made as the proposed use is adequate in size and shape to accommodate the proposed use.

Finding 2: ***That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

		Existing Conditions	Proposed Operation
Private Road	No	Roadway is in good condition.	No Change

		Existing Conditions	Proposed Operation
Traffic Trips		Residential Traffic	Residential traffic and two one-way trips once a month
Traffic Impact Study (TIS) Prepared	No	N/A	No significant increase in traffic expected
Road Improvements Required		N/A	None required

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Road Maintenance and Operations Division of Public Works and Planning:
Subject parcel does not front any County maintained roads. Access is provided through S. Fairfax Ave. Alignment, either from Manning or Panoche. Fairfax Ave. is not County maintained between Panoche & Manning. Site access and easements should be verified.

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

Finding 2 Analysis:

One round trip (two one-way trips) per month will occur once the proposed solar facility is constructed. The site will be accessed via County maintained roads. No reviewing County agency expressed concerns regarding impacts on County-maintained roads. Based on the existing nature and similar proposed use, staff believes that the roads to service the operation at the project site will remain adequate to accommodate the proposed use.

Based on the above information, adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 2 Conclusion:

Finding 2 can be made based on the above information, adequate to accommodate the proposed use.

Finding 3: ***That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.***

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	40-acres	Agricultural	AE-20	N/A
South	40-acres	Agricultural	AE-20	N/A
East	80-acres	Agricultural	AE-20	N/A

	Size:	Use:	Zoning:	Nearest Residence:
West	160-acres	Agricultural	AE-20	N/A

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

The project site is located on a portion of disturbed land surrounded by agricultural crops around the parcel. With adherence to the Mitigation Measures imposed, staff believes that the solar facility will have less than significant impact on the aesthetics of the surrounding properties.

All lighting for the project will be hooded and directed downward so as not to shine on public roads or surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 3 Conclusion:

Finding 3 can be made based on the above information that the proposal will not have an adverse effect upon surrounding properties.

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

Relevant Policies:	**Consistency/Considerations:**
Policy LU-A.13: *The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.*	**Consistent:** The applicant shall comply with a 50-foot buffer zone and pest management plan as to prevent nuisance towards adjacent farming operations.
Policy LU-A.14: *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.*	**Consistent:** The 20-acre area devoted to the solar project and all other related facilities associated with the solar facility shall be removed from the Williamson Act Program

Reviewing Agency Comments:

No comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

Pursuant to Fresno County Williamson Act Program Guidelines, the use of land enrolled in the Program is limited to commercial agricultural operations and other compatible uses adopted by the Board of Supervisors. The proposed solar electrical generation facility is not a permitted or

considered a compatible use on land enrolled in the Williamson Act Program. The 40-acre area devoted to the solar project and all other related facilities associated with the solar facility must be removed from the Williamson Act Program through the Cancelation process. Additionally, the contract on the remaining 20-acre portion of the parcel that will not be used for the solar facility must be nonrenewed because it will no longer meets the required minimum parcel size to remain under contract. The minimum parcel size for nonprime soil is 40 acres.

To pursue the CUP Application No. 3742, the applicant submitted a cancellation petition for removal of the 40-acre area that is proposed to be used for the proposed solar facility from the Williamson Act contract for consideration by the Agricultural Land Conservation Committee "ALCC" and the Board of Supervisors. The ALCC considered the Applicant's cancelation application on March 8th and adopted a resolution recommending that the Board of Supervisors deny the application for cancelation of the contract.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 4 Conclusion:

Finding 4 can be made based on the above information, and with adherence to the Mitigations Measures, Conditions and Projects Notes. Staff believes that the proposed Unclassified Conditional Use Permit will not have an adverse effect upon surrounding properties and is consistent with the General Plan.

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

Finding 5 Analysis:

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

Finding 5 Conclusion:

Finding 5 can be made based on staff's analysis. The conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

SUMMARY RECOMMENDATION:

All the required Findings for granting the Unclassified Conditional Use Permit can be made. The proposed solar facility meets all setback requirements of the AE-20 (Exclusive Agricultural) Zone District. The roads to service the operation at the project site will remain adequate to accommodate the proposed use. The proposal will not have an adverse effect upon surrounding properties. The project is consistent with the General Plan.

Staff therefore recommends adoption of Mitigated Negative Declaration prepared for Initial Study Application No. 8230, and approval of Unclassified Conditional Use Permit No. 3742, subject to the recommended mitigation measures and Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared based on Initial Study Application No. 8230; and

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3742, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3742; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:jp
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Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit Application No. 3742 and Initial Study Application No. 8230
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
1.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	As long as the project lasts
2.	Cultural Resources/Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During all ground disturbing activities to include construction, operation and decommissioning/reclamation

Conditions of Approval	
1.	Development of the property shall be substantially in accordance with the Site Plans, Elevations and Operational Statement approved by the Planning Commission.
2.	The life of this permit is limited to 32-years, starting from the date any development permit, such as a grading or building permit, is approved.
3.	A Site Plan Review Application shall be submitted for approval by the Director of the Department of Public Works and Planning, in accordance with Section 874 of the Fresno County Zoning Ordinance. Items to be addressed under the Site Plan Review may include, but are not limited to, design of parking and circulation, driveway access, grading and drainage, fire protection, and lighting. The project shall comply with the information in responses to the Solar Facility Guidelines attached as Exhibit 7 to the Staff Report and as approved and/or modified by the Commission.

EXHIBIT 1

4.	The project shall comply with the with the Solar Facility Guidelines to include a 50-foot buffer around the project site.
5.	The project shall adhere substantially to the provisions in the Reclamation Plan as submitted to the Planning Commission and prepared for the decommissioning of the facility when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final Site Plan and improvements. The draft reclamation Plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning, Current Planning Division prior to the issuance of any development permits. Prior to the County of Fresno's issuance of any grading or development permit, the project owner must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement shall require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement acceptable to the County of Fresno. Such financial assurance may be in any other form of security acceptable to the County of Fresno. The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive restoring the site to a viable agricultural use. (e.g., access roads, electrical lines, O&M building).
6.	Prior to issuance of development permits, the project proponent/applicant shall record a document on the subject property incorporating the provisions of the County Right-of-to-Farm Notice (Ordinance Code Section 17.40.100). Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right to farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been operation for three years."
7.	A dust palliative shall be required for all unpaved parking and circulation areas to prevent the creation of dust by vehicles.

8.	A Traffic Management Plan (TMP) shall be submitted to and approved by Fresno County Road Maintenance and Operations. The TMP shall detail haul routes and access points to be used during construction. Based on proposed haul routes the County may restrict access or require road improvements to handle the traffic demands.
9.	The project shall comply with the Pest Management Plan, prepared by QK, dated November 2022, in order to control weeds and rodents on the property that may impact adjacent properties.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Construction Plans shall be submitted, Building Permits and inspections shall be required for all on-site improvements, including solar array installation and fences over six feet in height.
3.	To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following: • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
4.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following: A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with the State Water Resources Control Board (SWRCB) prior to commencement of any construction or other ground disturbance of one acre or more. Copies of the completed NOI with WDID Number and SWPPP shall be provided to the Development Engineering section of the Department of Public Works and Planning • An Engineered Grading and Drainage Plan shall be required to show how additional storm water run-off generated by the

Notes	
	proposed development will be handled without adversely impacting adjacent properties. • A grading permit or voucher shall be required for any grading proposed with this application. • Any additional run-off generated by the proposed development cannot be drained across property lines and shall be retained or disposed of per County Standards. • If a licensed Civil Engineer determines that the proposed development does not substantially increase the net impervious surface on site and the existing drainage patterns are not altered, an engineering grading and drainage plan will not be required; However, a Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Fresno County Department of Public Works and Planning will be required. The Letter of Certification must specify why an engineered grading and drainage plan is not needed.
5.	To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires that the project be subject to the following: The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 – *Construction, Demolition, Excavation, Extraction, and other Earthmoving Activities.* If demolition is involved, a Certified Asbestos Consultant will need to perform an asbestos survey prior to the demolition of a regulated facility. Following completion of an asbestos survey; the asbestos survey, Asbestos Notification, Demolition Permit Release, and the proper fees are to be submitted to the Air District ten (10) days prior to the removal of the Regulated Asbestos Containing Material and/or the demolition when no asbestos is present. As per District Rule 2010 (Permits Required), the project may be required to obtain a District Authority to Construct, prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses. To identify other District Rules or regulations that apply to this project or to obtain information about District Rules and permit requirements, the project proponent (applicant) is strongly encouraged to contact the District's Small Business Assistance Office.
6.	To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following: • The access driveway(s) shall be a minimum of 24 feet and a maximum of 35 feet in width. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate road right-of-way shall be concrete or asphalt paved. An encroachment permit will be required for any improvements within the County right-of-way, prior to commencement of construction.

Notes	
	• Any proposed access gate shall be set back a minimum of 20 feet from the edge of the paved road, or the length of the longest vehicle to enter the site, whichever is greater. • Internal access roads shall comply with Fire District requirements for emergency apparatus. • A dust palliative shall be required on all parking and circulation areas. • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.
7.	The project shall comply with the California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fresno County Fire Protection District prior to issuance of building permits by the County. Further, the property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
8.	Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the Property Owner/Operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.
9.	An additional runoff generated by the proposed development, cannot be drained across property lines or into the County right-of-way, and must be retained on-site, as per County Standards.
10.	If not already present, a ten-foot by ten-foot corner cut-off shall be improved for sight distance purposes at any proposed or existing driveway
11.	To address road impacts resulting from the project, the Road Maintenance and Operations Section of the Development Services and Capital Projects Division requires the following: • All extra-legal loads shall require an approved transportation permit from Fresno County Road Maintenance and Operations. • Once construction begins, the applicant must assume responsibility for the maintenance of Panoche Road or Manning Ave between I-5 and the project Access point for the duration of the construction. • An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno.

EXHIBIT 2

LOCATION MAP

UCUP 3742

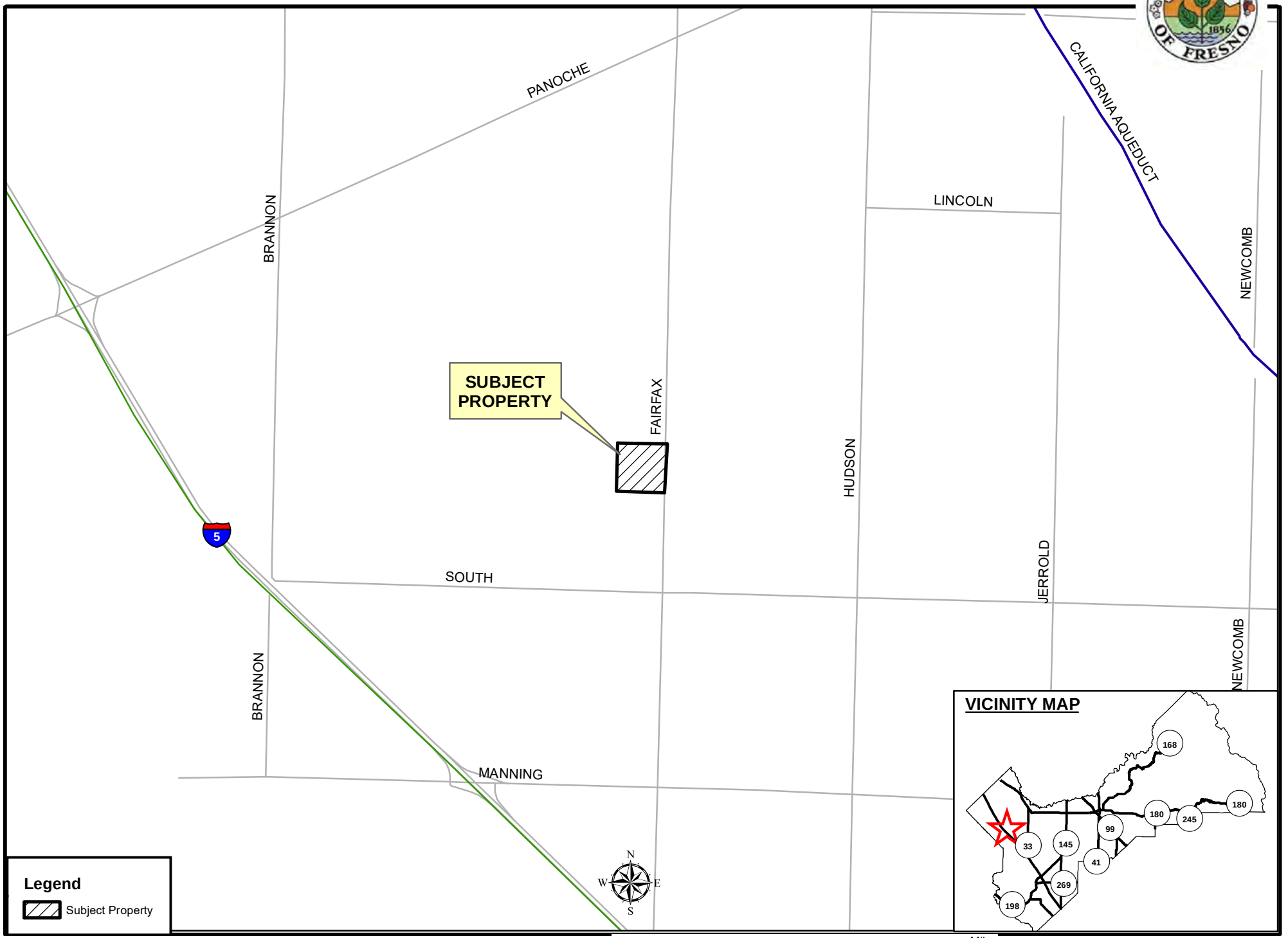


EXHIBIT 2

Prepared by: County of Fresno Department of Public Works and Planning

GS

UCUP 3742
STR 17-15/13

EXHIBIT 3

EXISTING ZONING MAP

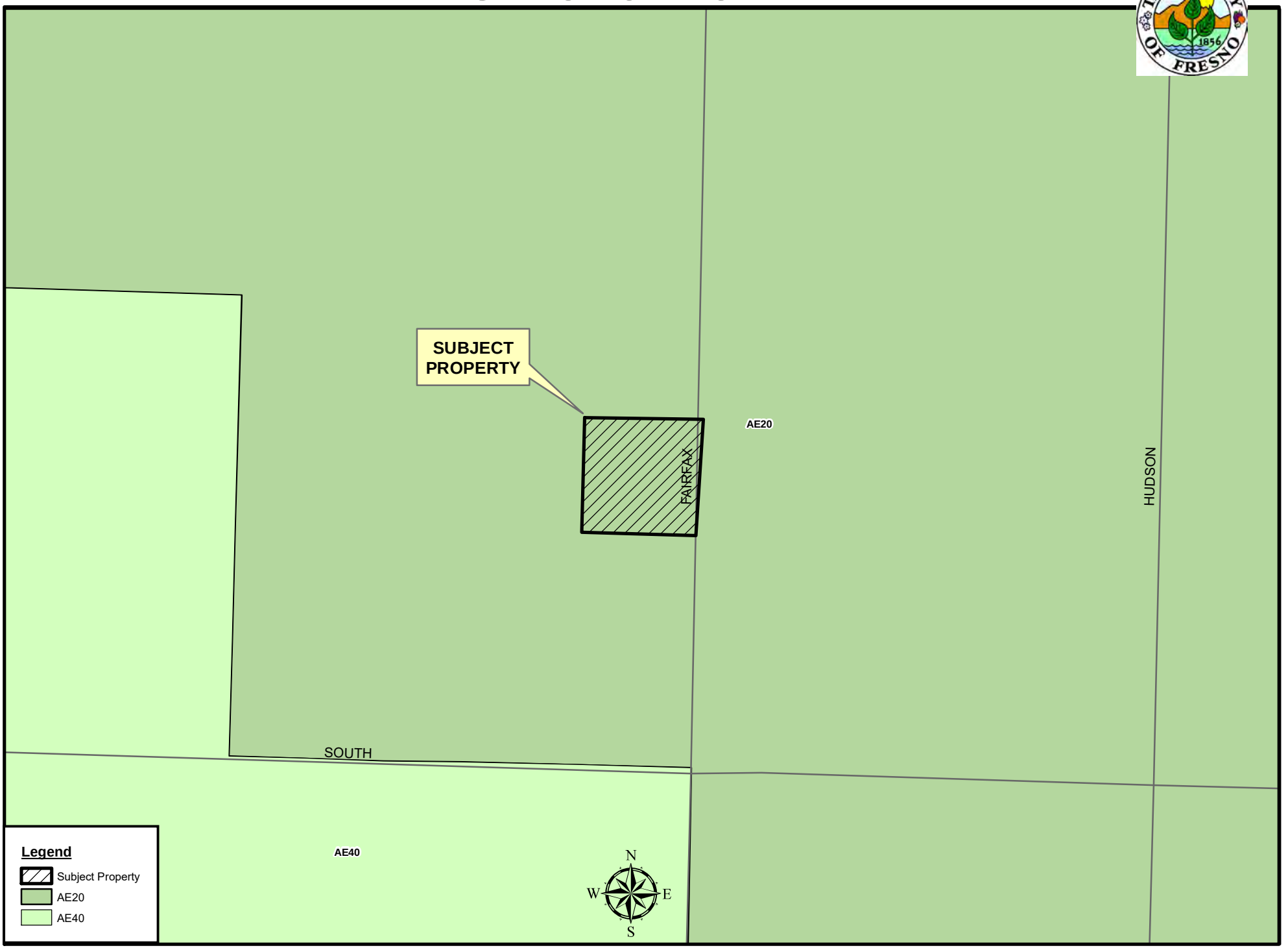


EXHIBIT 3

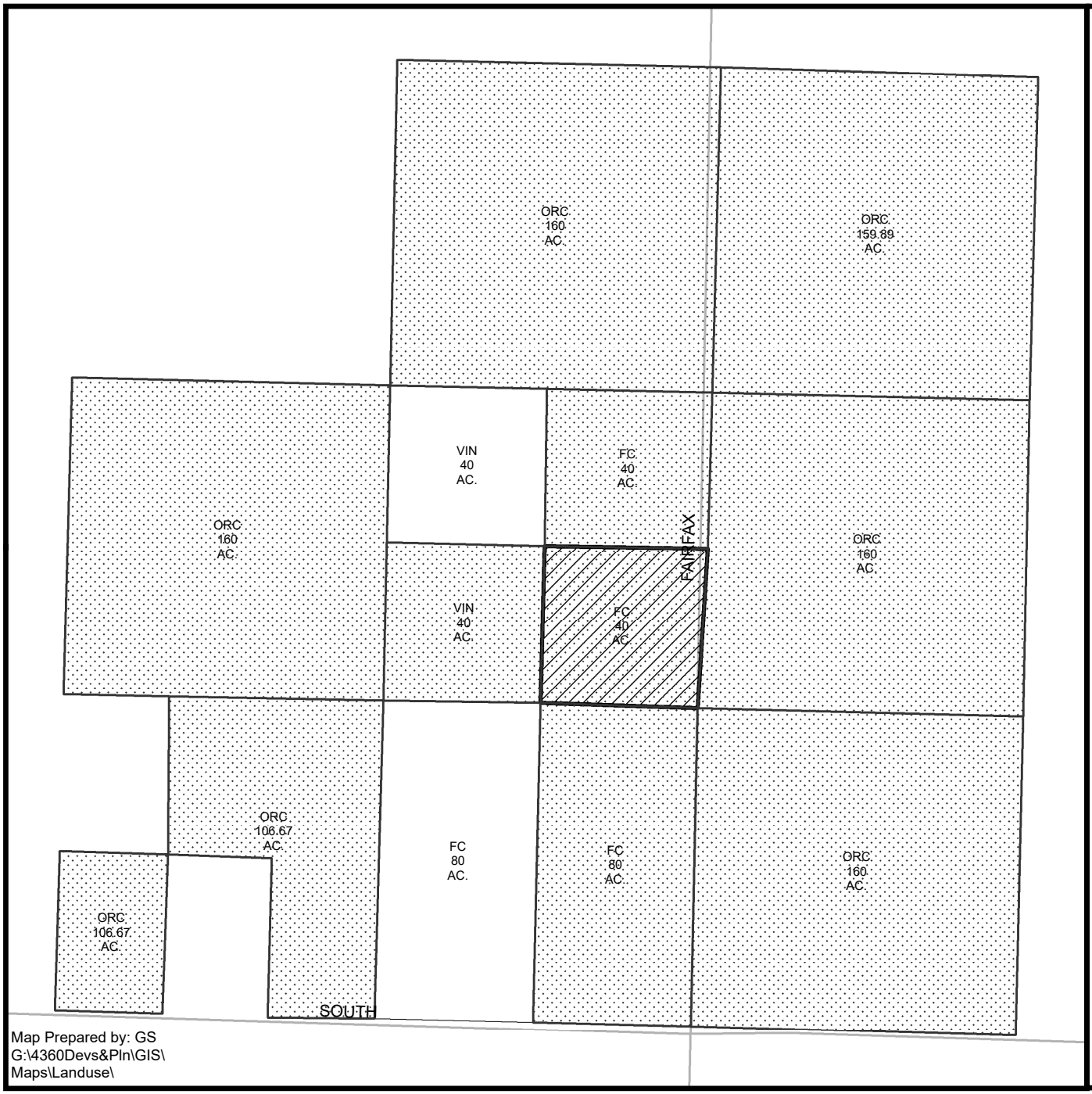
Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division

0 500 1,000 2,000 3,000 4,000 Feet

GS

UCUP 3742

EXISTING LAND USE MAP



Map Prepared by: GS
G:\4360Devs&Pln\GIS\
Maps\Landuse\

LEGEND
FC - FIELD CROP
ORC - ORCHARD
V - VACANT
VIN - VINEYARD

LEGEND:

Subject Property

Ag Contract Land

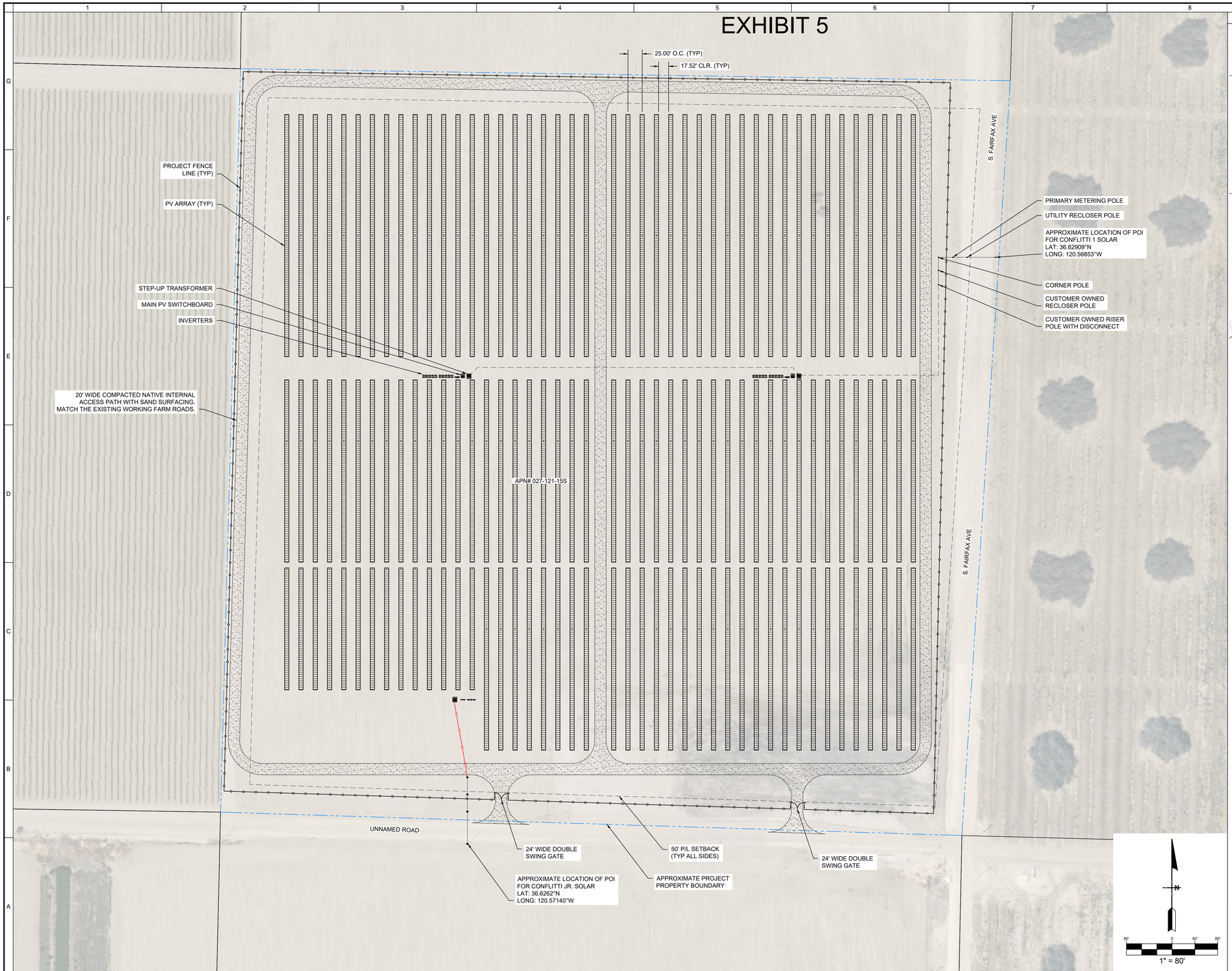
N
W E
S

0 320 640 1,280 1,920 2,560 Feet

Department of Public Works and Planning
Development Sevices Division

EXHIBIT 4

EXHIBIT 5



VICINITY MAP

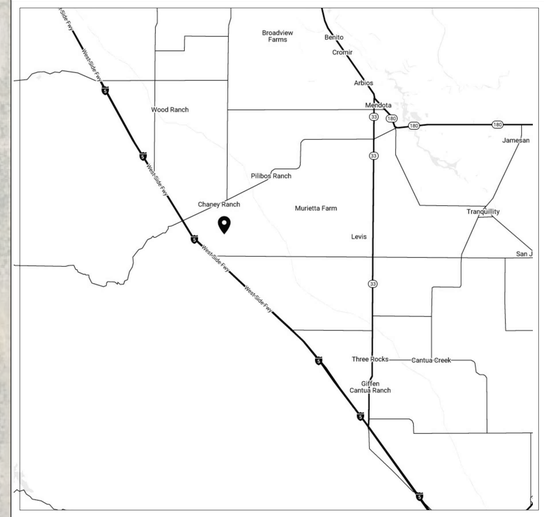


EXHIBIT 5

ELECTRONIC FILES ARE INSTRUMENTS OF SERVICE PROVIDED BY GREEN RIVER ENGINEERING & CONSULTING FOR THE CONVENIENCE OF THE INTENDED RECIPIENT(S), AND NO WARRANTY IS EITHER EXPRESSED OR IMPLIED. ANY REUSE OR REDISTRIBUTION OF THIS DOCUMENT IN WHOLE OR PART WITHOUT THE WRITTEN AUTHORIZATION OF GREEN RIVER ENGINEERING & CONSULTING, WILL BE AT THE SOLE RISK OF THE RECIPIENT. IF THERE IS A DISCREPANCY BETWEEN THE ELECTRONIC FILES AND THE SIGNED AND SEALED HARD COPIES, THE HARD COPIES SHALL GOVERN. USE OF ANY ELECTRONIC FILES GENERATED OR PROVIDED BY GREEN RIVER ENGINEERING & CONSULTING, CONSTITUTES AN ACCEPTANCE OF THESE TERMS AND CONDITIONS.

REV	DATE	DESCRIPTION
-	05.12.22	PRELIMINARY DESIGN

PROJECT:

CONFLITTI 1 - SOLAR PROJECT

FRESNO COUNTY, CA
LAT:36.6262° , LONG: -120.5714°

DATE:	04.18.22
DRAWN BY:	TDM
CHECKED BY:	DN

OVERALL SITE PLAN

E-101

PRINTED ON: May 12, 2022

Solar Facility Guidelines
CES Electron Farm One LLC

Prepared by:

Michael Kremer

White Pine Development, LLC

kremer@whitepinerenew.com

Project Description

CES Electron Farm One LLC is a solar energy generation facility located in Western Fresno County near the Panoche Energy Center. The Facility design capacity of 4.64 MW requires a maximum of the full 40-acre parcel APN 027-121-15S. The facility provides enough energy for about 1600 residential homes in the local community. The site is controlled with a 32-year land lease agreement with Hewitson Limited Partnership, Avenal CA. A copy of the property deed is included in this application. The lease agreement was recorded; a copy can be supplied to the County if needed.

Additional Information

The County of Fresno, Department of Public Works and Planning, has requested the solar facility applicant to address the following information. See the Solar Facility Guidelines form for the questions. The answers for each question number are as follows:

1. Hewitson Limited Partnership has owned the parcel since 2008 and has never used it for farming. They do not recall when the land was last in agriculture use.
2. The parcel does not have a well, there is no on-site water access, and the facility doesn't require a water source. The PV module cleaning will be done twice a year with a water tanker truck.
3. There is a Williamson Act Contract on the property (contract #1152, Preserve #103) and a Williamson Act cancellation contract is currently in process with the county.

4. The parcel owner has no information on the soil type because they never intended to use the parcel for farming.
5. The facility shall implement a 50 feet buffer area on all edges of the property boundaries to the closet equipment tracking racks as specified by County building requirements. A 6 ft high perimeter fence shall be placed on the property line or setback 20 to 25-feet from the property line near the compacted soil roadways adjacent to the site (East and South sides). The fence shall have a 6-inch clearance on the lower side to allow native animal migration through the site. Appropriate warning/danger signs shall be posted on the fence at regular intervals. Any additional recommendations from the County shall be implemented. The utility Point of Interconnection (POI) equipment cabinet ("grid-tie"), which has a small footprint of 3 ft by 8 ft, shall be located outside the perimeter fence about 20 ft from the Eastern property line. This is standard practice for all solar facilities, and it is the only exception to the 50-foot buffer requirement. See the Site Plan for more details; a small version is included in Appendix C, and a full-size drawing is included with the application package. A picture of a typical Eaton POI cabinet is included in the application package. Note, the cabinet in this picture is located about 4 miles north of the Electron Farms site.
6. The Reclamation Plan is in Appendix A. The site is controlled by a 32-year land lease agreement (Reclamation Plan term). The financial security shall be posted during the Site Plan Review process and prior to the issuance of the building permit.
7. The facility was located on this particular parcel for several good reasons: (1) the current landowner has never used the parcel for farming, (2) the landowner is willing to lease the land for a 32-year term, (3) the parcel is less than two-wire miles from the Panoche Substation, (4) the Panoche Substation has one of the few remaining circuits in California without existing solar energy generation, (5) PG&E and CAISO have approved the distribution grid upgrades and Interconnection Agreement, (6) the Project is located in a California Environmental Justice Census Tract and a Federal Opportunity Zone and (7) therefore it can get a construction-to-term loan that is guaranteed by USDA.
8. The Maintenance and Pest Management Plan is in Appendix B.
9. Electron Farms acknowledges the County's Right to Farm Ordinance and shall record a Right to Farm Notice before the County issues the permits.
10. The Applicant acknowledges that the life of the approved land use permit will expire upon expiration of the initial term of the land lease (32-years). If the land lease is to be extended, approval of a new land-use permit will need to be obtained
11. The Applicant shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and materials necessary for the Project.
12. The Applicant shall request that construction partners select from their workforce the employees from Fresno County.
13. The Applicant shall disclose the weight and number of shipments anticipated to the site after the equipment purchase orders are completed.
14. The Applicant shall make all reasonable efforts to purchase products and equipment from Fresno County vendors.

Appendix A: Reclamation Plan

CES proposes the following site Reclamation Plan for the Project at the end of the 32-year land lease and termination of the solar facility operations.

Plan Objectives

The goal of the Reclamation Plan is to make possible the cost-effective and efficient removal of the installed power generation equipment and return the site to a condition as close to a pre-construction state as feasible. The procedures described for reclamation are designed to ensure public health and safety, environmental protection, and compliance with applicable regulations. The primary activities required for the reclamation include removal of PV modules, one-axis tracker racks, steel I-beam posts, electrical equipment, underground wire/conduits, and fences, and then treatment of the land surface to return to the original agriculture condition.

The proposed implementation strategy includes (1) the use of industry-standard demolition methods to decrease personnel safety exposure, (2) the use of mechanized equipment (e.g., backhoe, crane) and trained operators to efficiently remove facility equipment, (3) minimization of material waste by recycling, repurposing, or refurbishment equipment as much as possible, and (4) disposal of the remaining materials in appropriate facilities for treatment and disposal.

Note that the Landlord has owned the parcel since 2008 and has never used it for farming. They do not recall when the land was last in agriculture use. The property has no significant natural surface water flows to be disrupted. There are no hazardous chemicals or materials on-site during construction or the 32-year operation. Furthermore, the solar facility will not require any grade changes; the rack equipment can easily accommodate the gradual slope of the existing land surface. Therefore, it should be a relatively simple procedure to return the land to its original agricultural condition.

Plan Tasks

The Reclamation Plan is divided into 9 tasks defined below. The tasks are typically done in sequence for the greatest efficiency with some overlap and parallel team efforts. The plan requires approximately 5 to 6 weeks to complete with 4 to 6 workers at a time. The salvage contractors shall make all reasonable efforts to hire workers and vendors from Fresno County. The fences will be kept in place for safety and limited access until all the facility equipment is dismantled and transported off-site.

Task List:

1. PV Modules: The facility contains 12,960 photovoltaic modules of 1 m by 2 m size. The first task in the plan is to remove these modules from the tracking racks; then, the facility will be much more open to complete the remaining tasks efficiently. The modules will be packed into a box truck and transported to a recycling facility that has the ability to process photovoltaic semiconductor cells, reclaim valuable materials, and safely dispose of the remaining materials.
2. Above Ground Wire: One of the major advantages of the Electron Farms design is that almost all the DC wiring is above ground and mounted on guidewire hooks on the racks. This method makes both the construction and dismantling efforts much easier and far less costly. The wire is copper, and the guidewire and hooks are steel, so there is significant material value. The wire will be rolled up and consolidated in one area for pickup by a metal recycling or repurposing facility.
3. Racks: The facility contains 144 tracker racks of 297 ft in length. These are fabricated with aluminum, so they are of high material value for recycling. The task is to remove the racks from the posts and consolidate them for pickup by an aluminum recycling facility.
4. Posts: Every rack has 12-posts, and therefore the facility contains 1728 posts in total. The posts are 8 ft long steel I-beams, hammered into the ground about 4 ft deep. The posts will be pulled out with a backhoe and consolidated for pickup by a steel recycling or repurposing facility.
5. Underground Wire: As previously stated, the facility has very little underground wire by design, saving significant reclamation costs. There is less than 100 ft of conduit (24” deep) for DC wiring to the Central Inverter and about 350 ft of medium-voltage AC direct-burial cable (36” deep) from the Inverter to the POI cabinet. The AC wire and DC conduits are pulled out of the ground with a backhoe. The conduit holes will be backfilled with native soil. The wire will be rolled up and consolidated in one area for pickup by an aluminum recycling or repurposing facility. The 100 ft of conduits can either be repurposed or taken to the local dump.
6. Inverter: The Central Inverter is constructed on an equipment skid as one integrated unit to save on the on-site construction (and dismantling) costs. It is transported on a flatbed trailer, and the whole unit is dropped into place with a crane. For dismantling, task 5 will disconnect all the wiring; then, the skid can be lifted by a crane and placed on a flatbed trailer. The skid can be transported to the original manufacture if they consider it to have some value for refurbishment and there is no cost to the Project, or it can be taken to an electrical equipment recycling facility. The metal has significant value.
7. POI Cabinet: The Point of Interconnect (POI) cabinet (3 ft by 8 ft footprint) is installed on a concrete pad (6 ft by 8 ft). The POI cabinet is easily lifted by a crane and placed on a long bed pickup truck during the same day as task 6. It can be taken to an electrical equipment recycling facility. The concrete pad can be demolished and taken to the local dump or reprocessing facility.
8. Fences: After all the equipment is removed from the facility, the next task is to remove 5280 ft of the perimeter fence and three gates from the 40-acre site. The fence poles can be pulled out with a backhoe. All the fence materials will be consolidated for pickup by a steel recycling or fence repurposing facility.
9. Surface: The last task is to clean up any remaining debris from the site and take it to the local dump. Since the site grade is not adjusted and there are minimal underground wires/conduits installed during construction, the surface is essentially the same as the

original condition. The landowner may require surface smoothing, tilling, and cover seeding in preparation for future agriculture usage. We allocate 3 days for labor and tractor work.

Plan Costs

CES performed an engineering cost estimate of reclaiming the site to its previous agricultural condition. The following table contains the level-of-effort and the labor and equipment costs for each task. The total cost is about $57,000.

Task Number	Task Name	Task Description	Labor Costs					Equipment Costs				Total Costs
			Workers	Days	Total Hours	Hourly Rate	Subtotal	Equip Type	Total Hours	Hourly Rate	Subtotal	
1	PV Modules	Detach 12960 PV modules from the racks and transport them to an electronic recycling facility.	4	8	256	$40	$10,240	NA	NA	NA	$0	$10,240
2	Above ground wire	Remove above-ground wire cables and guide wire assemblies and consolidate them for pickup by a copper/steel recycling facility.	2	3	48	$40	$1,920	NA	NA	NA	$0	$1,920
3	Racks	Detact 144 aluminum one-axis tracker racks (297' length) from posts and consolidate them for pickup by an aluminum recycling facility.	4	8	256	$40	$10,240	NA	NA	NA	$0	$10,240
4	Posts	Pull 12 steel I-beam posts per rack from the ground and consolidate the 1728 I-beams for pickup by a steel recycling facility.	6	8	384	$40	$15,360	Backhoe	64	$100	$6,400	$21,760
5	Under ground wire	Remove underground DC conduits (~100 ft) and barried AC cable (~350 ft) and consolidate them for pickup by an aluminum recycling facility and conduit repurpose.	1	2	16	$40	$640	Backhoe	16	$100	$1,600	$2,240
6	Inverter	Disconnect the central inverter skid, use crane to lift onto flatbed truck, and transport to manufacturer for refurbishment-reuse (if no cost) or an electronic/metal recycling facility.	2	1	16	$40	$640	Crane	4	$100	$400	$1,040
7	POI Cabinet	Disconnect the Point of Interconnect cabinet , use crane to lift onto long-bed pickup truck, and transport to an electronic/metal recycling facility. Demo the concrete pad and take to dump.	2	1	16	$40	$640	Crane	4	$100	$400	$1,040
8	Fences	Remove 5280 feet of fence, 3 gates and several poles around 40 acre site perimeter and consolidate them for pickup by a steel recycling or repurpose facility.	4	3	96	$40	$3,840	Backhoe	24	$100	$2,400	$6,240
9	Surface	Clean up any remaining debris and till the soil to return the surface to its original agriculture condition. The solar facility will not require any grade changes, so regrading the surface should not be needed in the reclamation plan.	1	3	24	$40	$960	Tractor	24	$60	$1,440	$2,400
											TOTAL =	$57,120

Financial Assurance

Financial assurance will be provided to ensure the implementation of the Reclamation Plan. The Reclamation Plan costs are conservatively estimated to be about $57,000, while the salvage value of the solar facility assets is likely more than $300,000. Hence, the owner of the solar facility will be economically incentivized to complete the Reclamation Plan, and any costly financial assurance would be unwarranted at this time. The form of financial assurance will comply with Section 66499 of the California Government Code, et. seq. The property owners shall be notified of the Reclamation Plan after approval by the County.

Note that the solar facility is constructed with a large amount of valuable materials, including aluminum racks, steel posts, metal fences, metal cabinets, and copper and aluminum wire; thus, an estimated material value greater than $300,000.

Recent examples of Reclamation Plan financial assurances include:

- Tulare County 20MW Atwell Solar Project - $60,000 in financial assurance
- Kings County 20MW Sun City Solar Project - $87,600 in financial assurance
- Kings County 19MW Sand Drag Solar Project - $83,430 in financial assurance
- Kings County 9MW Avenal Park Solar Project - $39,550 in financial assurance

Based on such precedent, the salvage value, and our conservative reclamation cost estimates of $57,000 for a 4.64 MW facility, we propose posting an acceptable form of financial assurance in an amount not to exceed $30,000.

Appendix B: Pest and Weed Management Plan

CES ELECTRON FARM ONE SOLAR PROJECT

PEST AND WEED MANAGEMENT PLAN

JULY 2022

CES ELECTRON FARM ONE SOLAR PROJECT

PEST AND WEED MANAGEMENT PLAN

Prepared for:

CES Electron Farms One LLC
1808 Wedermeyer Street, Suite 21
San Francisco, CA 94129
Contact Person: Evan Riley
Phone: (248) 808-2015

Consultant:

5080 California Avenue, Suite 220
Bakersfield, California 93309
Contact: Jaymie Brauer, Project Manager
Phone: (661) 616-2600

July 2022

Project #220011

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SECTION 1 - INTRODUCTION

Confletti Energy System (CES) Electron Farm One LLC will develop a solar energy generation facility and associated infrastructure necessary to generate a combined 4.64 megawatts (MW) of renewable electrical energy (project). Associated infrastructure including a point of interconnection cabinet would be installed in conjunction with roads and panel arrays within the project site, connecting each solar panel to a feeder circuit; each feeder circuit would in turn be connected to the substations, where transformers would increase the energy generation. The energy would then connect to the Panoche Substation.

QK was retained by White Pine Renewables on behalf of CES Electron Farm One, LLC to prepare a Pest and Weed Management Plan for the approximately 40-acre CES Electron Farm One LLC Solar Project (Project). This Pest and Weed Management Plan (Plan) is prepared in compliance with the Project's Conditions of Approval for Conditional Use Permit (CUP) No. 3742

SECTION 2 - PROJECT LOCATION

The CES Electron Farm One Solar facility site (project) encompasses an approximately 40-acre parcel identified as APN 027-121-15S.

The project site is within the U.S. Geological Survey (USGS) 7.5-minute series, Chaney Ranch, California, topographic quadrangle. The project site is located in the Section 17 of Township 15 South, Range 13 East Mount Diablo Base and Meridian (MDB&M). The project site consists of a 40-acre parcel shown in Table 2-1. The project site is subject to the provisions of the adopted Fresno County General Plan and the Fresno County Zoning Ordinance. The site is primarily designated for agriculture and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The subject site is located approximately 12 miles southwest of the City of Mendota and approximately 17 miles west of the unincorporated community of Tranquility. The regional location of the site is shown on Figure 2-1 and the Project site is shown in Figure 2-2.

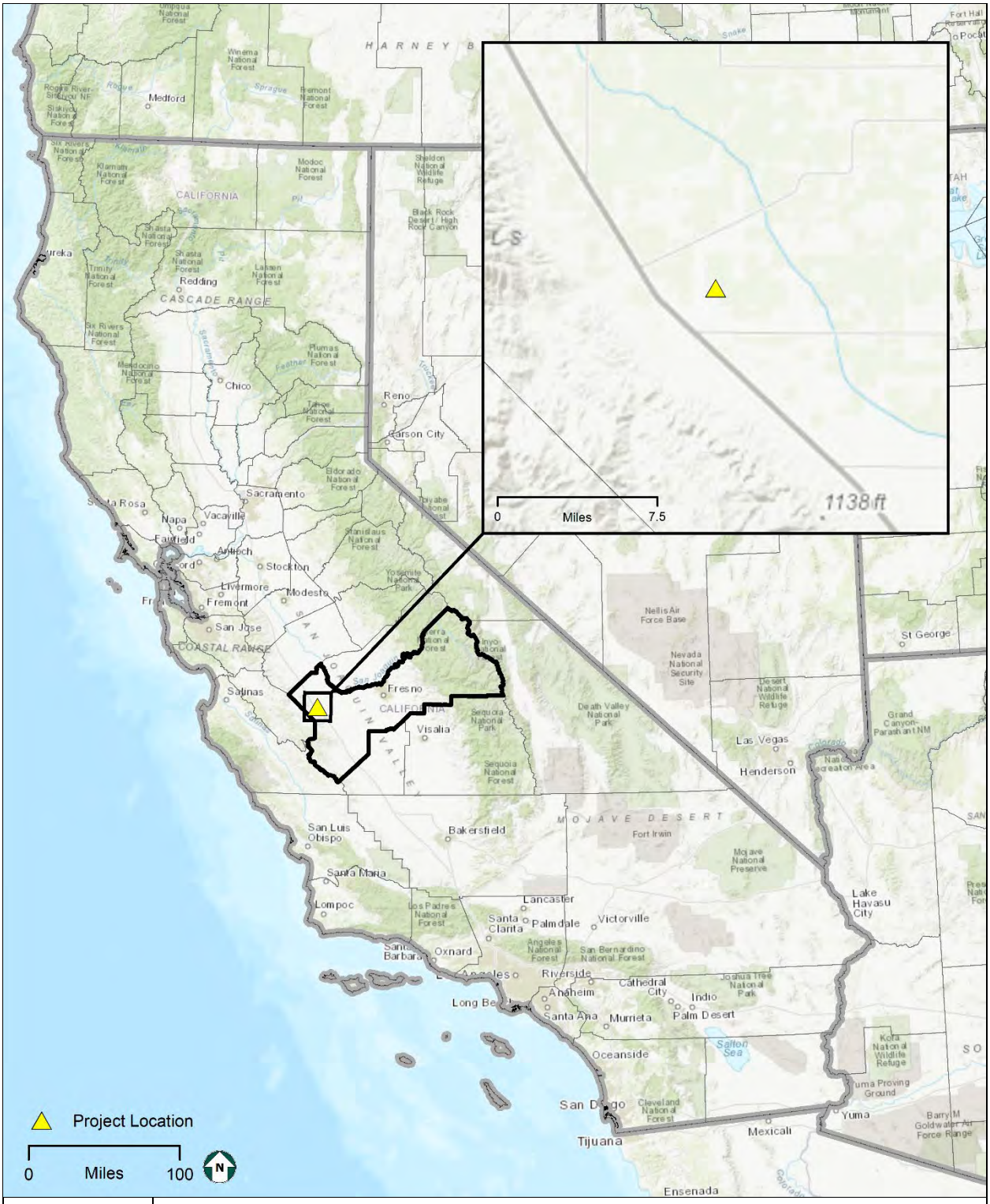


Figure 2-1
Regional Location

Figure 2-2
Project Site

SECTION 3 - PROJECT SUMMARY

The Project includes the development of up to 4.64 megawatts (MW) solar photovoltaic (PV). The project includes solar development with associated PV panels; inverters; converters; generators; foundations; transformers; utility point of interconnection (POI) grid-ties to the Panoche substation. The PV site is intended to operate year-round and would generate electricity during daylight hours when electricity demand is at its peak. The project will encompass a 40-acre parcel.

SECTION 4 - PURPOSE OF THE PLAN

The purpose of this Plan is to guide overall pest and weed management strategies to enhance the health and safety at the Project and protect the environment. This Plan favors preventative or physical treatment to prevent and control rodent or any other pest(s) infestations. The program also guides the developer and operator with regard to a long-term weed abatement/site maintenance plan during construction, operation, and decommissioning of the project.

4.1 - *Rationale*

The County Agricultural Commissioner's office indicated that solar farm projects should take precautions to avoid potential rodent infestations at the project site. Rodents are known to be capable of carrying hundreds of disease organisms, many of which are transmitted to humans via direct contact or contact with rodent debris. While the Project does not include any housing, or related infrastructure that would increase exposure frequency or duration, the health and safety of employees or visitors must be considered. Rodents have the potential to chew electrical lines both above and below the ground surface, causing damage to the facility equipment and may also cause damage within the Project infrastructure via their burrows. Rodent burrows near foundations can increase the rate of structural deterioration via the loosening of soils and increasing subsurface water penetration. Indirectly, the presence of rodent burrows attracts predators that may enlarge the burrows and thereby increase the potential for additional structural damage. Further, rodents may enter or nest in parked machinery and vehicles, damaging electrical wiring, hoses etc, as well as infesting trash receptacles, storage areas (including emergency water storage tanks), and other locations. As such, controlling rodent infestations is required.

Solar panel arrays and any vegetation that grows between the arrays could harbor rodents and insect pests that could impact neighboring agricultural crops. Dry weeds could also become a fire hazard if not controlled. Fallow lands will quickly become reestablished with weedy growth unless they are cultivated regularly. Rainfall totals are relatively low in the San Joaquin Valley, but weedy ground cover can become established during the winter and spring months. Installation of the panels will create shade that could reduce the evapotranspiration rate and, if they are not controlled, stimulate the overgrowth of plants. Limited amounts of water may be introduced during periodic cleaning of the panels that could also result in more weed growth.

4.2 - *Goals*

The goals of this Plan are to:

1. Monitor the Project site for rodent and any other pest(s) populations and their distribution;
2. Define clear thresholds to trigger the use of various rodent control measures including criteria for acceptable circumstances for emergency situations when

preventative and physical treatments have failed in which using a toxic rodenticide other than a least-toxic option is necessary;
3. Protect human health and the surrounding environment by employing a range of preventative strategies and using the least-toxic products for rodent control and eradication; and
4. Maintain the Project site through weed and vegetation removal for fire protection and pest management purposes.

4.3 - *Program Components*

This Plan promotes the use of a range of preventative and non-chemical approaches to control rodents, weed abatement and prevent the likelihood of infestations that may affect the economic viability of the Project, human health, and the environment. Toxic options would only be used when there is a threat to human health and/or safety, economic viability, or environmental health, and only after other alternatives have been implemented.

4.3.1 - Rodents and Other Pest(s) to be Controlled

For the purposes of this Plan, rodent control refers to commensal rodents, such as the Norway rat (*Rattus norvegicus*), roof rat (*Rattus rattus*), house mouse (*Mus musculus*), deer mouse (*Peromyscus maniculatus*), white-footed mouse (*Peromyscus leucopus*), or others. Ground squirrels, voles, kangaroo rats, pocket gophers, and other non-commensal rodents and similar species are specifically excluded unless specific monitoring data suggest that these species may be affecting human health and/or safety, economic viability, or environmental health. In such cases, management measures may be implemented in coordination with the Fresno County Agricultural Commissioner.

Under no situation shall any species listed as threatened or endangered by the United States Fish and Wildlife Service and/or California Department of Fish and Wildlife, or otherwise listed as sensitive within the Project's environmental document, be considered a target to be controlled.

4.3.2 - Vegetation to be Controlled

For the purposes of this Plan, vegetation control refers to common weeds and vegetation that could grow onsite and provide habitat for pests or could become hazardous to the project site and surrounding properties.

Under no situation shall any species listed as threatened or endangered by the United States Fish and Wildlife Service and/or California Department of Fish and Wildlife, or otherwise listed as sensitive within the Project's environmental document, be considered a target to be controlled.

SECTION 5 - REGULATORY BACKGROUND

5.1 - *Key Parties and Responsibilities*

5.1.1 - FRESNO COUNTY

Fresno County Solar Facility Guidelines

The County of Fresno, Board of Supervisors adopted guidelines for solar facilities to accommodate new renewable energy technology and balance this technology with the protection of farmlands and existing agricultural operations. The Fresno County Solar Facility Guidelines includes the development and submittal of a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease, and vertebrate pests that may impact adjacent sites (County of Fresno, Department of Public Works and Planning, 2017).

Fresno County Agricultural Commissioner

The Fresno County Agricultural Commissioner shall review and approve this Plan prior to issuance of a building or grading permit for the Project.

5.1.2 - PLAN MANAGER

The Project construction site manager and the facility operator is responsible for overseeing the implementation of the Plan including the planning, implementation, monitoring, and reporting of all pest control measures and site maintenance measures described herein. The designated operator representative will keep a copy of the Plan readily during project operation. The Plan will identify circumstances that require an update to the Program; maintain all relevant records (including but not limited to survey needs and results, monitoring forms, rodent management action forms); identify and consult with contracted qualified pest control operators or other professional applicators (collectively, Pest Control Contractors) should preventative and physical treatment fail and toxic applications be required; biologists and/or ecologists to serve as members of the team who will participate in environmental education for construction personnel and monitoring, and rodent control efforts as it pertains to ecological health and sensitive species; and ensure that the actions resulting from this Plan are in strict adherence Project requirements. The designated manager is responsible for overseeing the implementation of the Program end ensuring contractor compliance with all pertinent county, state, and federal laws, requirements, guidelines, and policies.

5.1.3 - PEST CONTROL CONTRACTORS

All pest control contractors hired to work by the designated manager are responsible for adhering to this Plan. Pest control contractors shall, as-needed, possess all qualifications, licenses, and certifications of the use of all rodent control measures described herein. If necessary and approved for use by the Commissioner, contractors are responsible for

submitting all records of rodenticide use to the relevant regulatory agencies including the Fresno County Department of Agriculture.

5.2 - *Applicable Project Areas*

This Program is applicable to all Project areas including access roads, substations, gen-tie corridors, pulling and splicing sites, laydown areas, and solar panel sites.

5.3 - *Timing*

This Program is applicable throughout the pre-construction, construction, operation, and decommissioning phases of the Project. This Plan shall be considered a living document and shall be updated and utilized for monitoring and managing rodent vectors and site maintenance based on results of various monitoring results.

SECTION 6 - IMPLEMENTATION OF THE PLAN

6.1 - *Injury and Treatment Thresholds*

The injury threshold is the level of damage or the level of rodent and pest population that causes unacceptable injury to human health and safety, environmental health, and/or economic viability of the Project. Once the injury level has been determined, a treatment threshold must be set. The treatment threshold is the level of rodent and pest damage that triggers treatment to prevent reaching the injury threshold. Injury thresholds will always exceed action thresholds such that treatment (i.e., preventative treatment) should occur prior to the point of infestation or emergency, thereby reducing the need for physical, biological, or chemical treatment.

Injury and treatment thresholds will be independently established for individual cases throughout the Project site on either a priority or an as needed basis. For example, injury and action thresholds pertaining to emergency facilities (e.g., rodents damaging emergency water supply) will differ from injury and action thresholds pertaining to waste disposal facilities (e.g., rodents damaging trash facilities).

6.2 - *Inspections and Monitoring*

Effective rodent and pest control requires knowledge of the pest(s), routine inspections, and subsequent monitoring to determine the extent of potential infestations from which effective treatment options can be evaluated. Inspections and monitoring is done by looking for signs of infestation or actual sightings and results relative to injury and treatment thresholds and are used to determine whether or not treatment efforts are needed, determine what type of treatment(s) are to be used, where to concentrate treatment efforts, and to evaluate the success at an infestation site. As such, initial inspections and follow-up monitoring is essential for the (i) determination of treatment options to be used to prevent an infestation or control an existing infestation, (ii) regular evaluation of the Plan, and (iii) determination of the effectiveness of the treatment(s) selected from which future actions may be guided.

Routine inspections will be made in areas where infestations are suspected or reported in order to gain background information on rodent and pest activity, health concerns, damage, or the potential for an emergency to occur and determine the best treatment option to prevent or treat infestations. These inspections will identify the target species and track activity, locate food, water, access points, and sources of harborage sustaining or supporting the infestation, identify factors conducive to the infestation or potential for infestation and make recommendations for treatment, and identify human behaviors contributing to the infestation (i.e., preventative treatment).

Following initial inspections, routine monitoring shall be conducted to track the status of an infestation or potential infestation. Specifically, monitoring will be used to track the severity of an infestation, guide the timing of treatment actions, document and evaluate the effectiveness of treatment methods and products used, guide future treatment options, and communicate status and results with involved parties.

6.3 - *Treatment Strategies*

Once injury and treatment thresholds are established and inspections or monitoring indicate that treatment is needed, the choice of specific strategies will be made. Strategies shall favor preventative treatment. Should additional treatment be required, the treatment strategy shall favor those options that are:

- Least likely to affect human health or safety;
- Least disruptive of ecosystem processes and health including threats to non-target organisms (including direct and indirect threats such as bioaccumulation of rodenticides), soil and water contamination, and others;
- Most likely to be permanent to prevent future re-infestations;
- Overall least hazardous and effective;
- Most cost efficient for both short- and long-term prevention; and
- Appropriate to the individual case and location on the Site (i.e., treatment options near water facilities may differ from those at waste disposal facilities).

6.3.1 - PREVENTATIVE TREATMENT

Preventative treatment is the preferred, least-toxic means addressed in this Plan. These treatment practices include general Site housekeeping that focus on reducing or removing, to the greatest extent possible, the sources of food, water, and harborage on which rodents or any other pest(s) depend for survival.

Education

The Project Construction Site Manager and the O&M Director or their assign shall provide information and training to all project personnel under a Worker Environmental Awareness Program (WEAP) regarding identification of rodents or any other pest(s) and their potential impacts, general rodent management, and protocol in the event an infestation or emergency.

Sanitation

All litter and trash, particularly food wastes, are to be stored in sealed containers as necessary. All containers are storage areas shall be kept clean and free of food debris, and all containers shall be kept tightly closed. All trash is to be routinely removed from the Site for proper disposal.

Water Resources

All human induced sources of water (e.g., sources for emergency water, irrigation, fugitive dust suppression, etc.) shall be routinely inspected for leaks. All leaks will be immediately repaired, thereby reducing potential water sources that may support an infestation.

Vegetation Management

Vegetation shall be managed to reduce sources of rodent harborage and reduce potentially hazardous conditions on the site. Vegetation is to be managed throughout the Project site. Examples of vegetation management may include the removal, thinning, or pruning of dense thickets of trees or shrubs, removal of vines or other vegetation from project infrastructure, selective mowing, or selective trimming of shrubs within six feet of infrastructure to less than one foot from the ground to reduce conditions favoring rodent hiding places and runways. Vegetation management should occur on a regular basis typically during routine inspections or shortly after.

Site Maintenance

The operator will clear debris from the project area at least twice per year; this will be done in conjunction with regular panel washing and or other site maintenance activities. A complete log of debris clearance will be kept by the operator and will be made available to the County upon request.

The operator will erect signs with contact information for the operator's maintenance staff at the site boundary. Maintenance staff will respond within two weeks to resident requests for additional cleanup of debris. A record of correspondence with such requests and responses and clean up occurrence will be kept and submitted to the Fresno County Department of Public Works and Planning at their request.

6.3.2 - PHYSICAL TREATMENT

When additional treatment is necessary, physical treatment options are the method of choice for rodents or any other pest. In general, lethal traps are most effective to prevent or treat infestations of rodents, as described below

Live Traps

Live traps may be used at the discretion of the Project Construction Site Manager and the O&M Manager in coordination with the Pest Control Contractor. Should live trapping be used, receptacle sites at which trapped rodents shall be released shall be determined in coordination with the Fresno County Agricultural Commissioner and other agencies (e.g., California Department of Fish and Wildlife) as necessary. Alternatively, live trapping may be used to capture and remove rodents to a location where they are euthanized and properly disposed.

Lethal Traps

The selection of trap type (e.g., spring-loaded snap, electrical, etc.), number, and location should consider the species of rodent involved, degree of infestation, and location of burrows, runways, or other signs of rodent use. All traps should be set within tamper-proof boxes to reduce the risk of incidental harm to people and non-target wildlife. Food bait will

be selected based on the target species, unlikelihood to attract non-target species, and general costs and availability.

Whenever possible, reusable lethal traps are the preferred option to reduce costs. When servicing or monitoring food baits, personnel shall wear personal protective gear (including rubber or leather gloves, dust mask, and safety glasses) and all personnel shall thoroughly wash following all handing of traps, bait, or rodents. All dead rodents shall be stored in closed plastic bags and promptly removed from the site for disposal at an approved facility.

6.3.3 - CHEMICAL TREATMENT

Chemical treatment using rodenticides should only be used as a last resort when all other treatment options have been demonstrated to be ineffective or in the case of emergency. Under no circumstance, shall toxic rodenticides be used.

General Rodenticide Use

The use of rodenticides requires approval by the Project Construction Site Manager and the O&M Manager following a written recommendation form the qualified Pest Control Contractor and in coordination with the Fresno County Agriculture Commissioner. Use of rodenticides should only be considered as a last resort when nonchemical treatment methods have been evaluated and chemical treatment is found necessary. Use of rodenticides shall favor least-toxic options and shall adhere to all local, county, state, and federal laws and regulations. SGAR bait is prohibited more than 50 feet from a manmade structure (as defined by the product label), unless there is a feature associated with the site that is harboring or attracting the target pest beyond the 50-foot limit (up to the limit on the label). In general, however, the use of SGARs will be discouraged.

All rodenticides must be registered with by the United States Environmental Protection Agency and California Department of Pesticide Regulation and use of least-toxic rodenticides shall abide by all local, regional, state, and federal laws by a certified pest control contractor licensed to purchase and use such materials following all manufacturers' specifications and recommendations. All label precautions use instructions and PCA restrictions shall be observed.

All treatments shall be kept away from humans and all spilled material shall be cleaned and properly disposed of immediately. No toxic baiting is permitted inside structures including trailers, temporary restrooms, or other facilities.

Notification

When chemical treatments have been approved for use, the Project Construction Site Manager and the O&M Manager shall provide notification in accordance with 3 CCR 6761 and 2 CCR 6776. Notification shall include posting an information sign in a highly visible area with the following minimum information:

- Date, time and location of the application
- Name of the product applied and summary of potential risks to human health and safety including the toxicity category of the product
- Description of target rodent
- The circumstances of application or use of the rodenticide
- The circumstances that could resulted in exposure to the rodenticide
- Location of fieldworker decontamination facility (See Section 6.3.4)
- Name, address, or telephone number of the facility providing emergency medical care; and
- Contact information for additional details.

Signs shall be posted at least three (3) business days before application and left in place for at least three (3) business days following application. Each sign must be in both English and Spanish and copies of posted signs shall be retained for record keeping purposes for at least one year.

Bait Placement and Bait Stations

Baits and bait stations shall be placed following all local, county, state, and federal laws, regulations, ordinances and directives following manufacturers' specifications and label directions. Different or multiple bait stations may be required, depending on the particular situation and the bait used. All bait stations shall be tamper-proof and placed in strategic locations (e.g., next to walls with the openings close to the wall or in other places where target rodents are active).

All stations shall be monitored regularly by the Pest Control Contractor to replace bait as needed, collect and properly dispose of any dead rodents, and gauge treatment effectiveness. Once monitoring data suggest infestations are controlled, the Pest Control Contractor shall remove and properly dispose of all uneaten bait. Re-treatment of an infested area should only be done if monitoring shows the rodent population is remaining the same or is increasing.

Decontamination Stations

Should chemical treatments be used, a temporary decontamination station shall be established known to all field personnel through the duration of chemical use. This decontamination facility, pursuant to 3 CCR 6768, shall be located within ¼ mile of potential exposure areas and include, at a minimum, at least one (1) gallon of water per employee, soap, and single use towels.

Disposal

Should chemical treatments be used, all materials shall be disposed of according to applicable local, state, and federal laws including the recycling of reusable high-density polyethylene (HDPE) containers pursuant to Section 12841.4 of the Food and Agriculture Code.

6.3.4 - RECORD KEEPING AND REPORTING

The Project Construction Site Manager and the Operations & Maintenance (O&M) Manager will maintain records of all inspections, monitoring, and treatment activities for at least three (3) years. All records will be stored onsite or at the O&M facility and made available to all staff personnel and visitors and made available to the Fresno County Department of Public Works and Planning and/or the Fresno County Agriculture Commissioner upon request. These records shall provide a paper trail of rodent or other pest assessments, infestation recommendations, actions, and results; maintain a log of monitoring information; and provide evidence of compliance with laws and regulations particularly with the use of chemical treatment options, if necessary, and approved.

Annual reports shall be provided to the Fresno County Department of Public Works and Planning at their request for review in all years that pest(s) control treatment is performed. These annual reports shall include a record of each activity and include the following information:

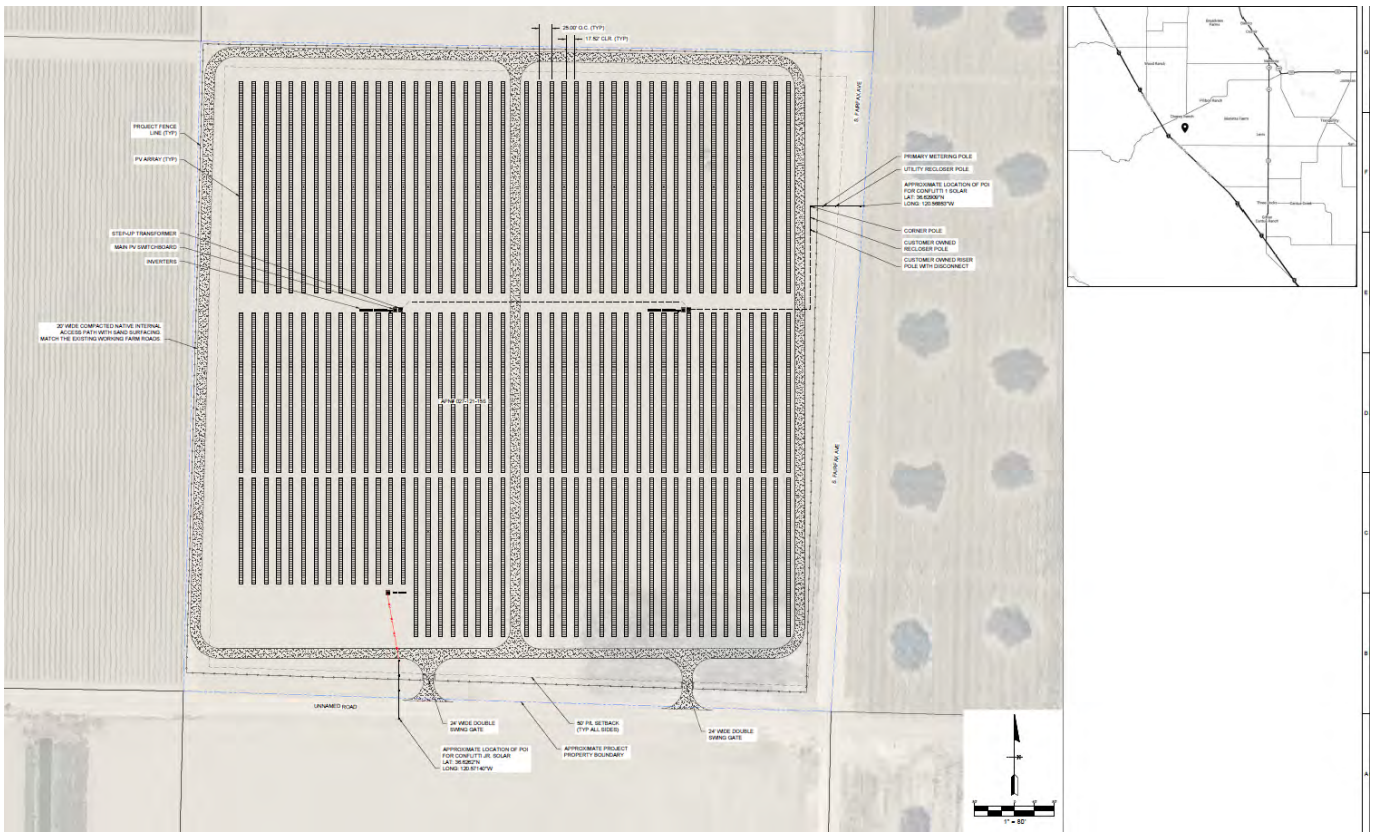
- Target rodent or pest(s) and posed threat
- Prevention and other non-chemical methods of control used
- Type, quantity, and location of used rodenticides, if any
- Date(s) of rodenticide application, if any
- Name and contact information for the qualified Pest Control Contractor
- Proof of coordination, consultation, and approval for use of rodenticides, if such use was required
- Application equipment used; and
- Summary of results and recommendations for ongoing control.

Additional reporting to the Fresno County or other relevant regulatory body will follow all local, State, and federal laws.

SECTION 7 - REFERENCES

County of Fresno, Department of Public Works and Planning. (2017). *Solar Facilities Guidelines*. Retrieved from https://www.co.fresno.ca.us/departments/public-works-planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/photovoltaic-facilities-p-1621?locale=en

Appendix C: Facility Site Plan



PARTNER
Engineering and Science, Inc.

611 Industrial Way West, Suite A, Eatontown, NJ, 07724

March 16, 2023

Michael Kremer
White Pine Development, LLC
1808 Wedemeyer St. Suite 221
San Francisco, CA, 95991

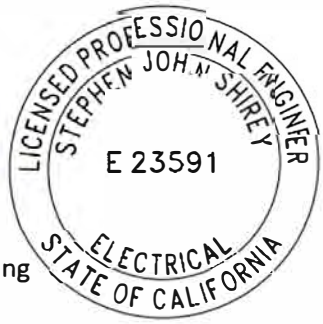
Subject: Reclamation Plan Review, Revision No. 2 per Fresno County
Conflitti Solar
Fresno County, CA
Partner Project No. 22-386404.2

Dear Mr. Kremer:

Partner Engineering and Science, Inc., ("Partner") has reviewed the provided Revised Reclamation Plan for the Conflitti Solar project, prepared by CES (original Developer), see attached. Based on Partner's review, the strategy for reclamation, which is broken into nine separate tasks, is reasonable and sufficient to remove the power generation equipment and appurtenances from the site and to return the site to a condition as close to its pre-construction state as feasible. We note that the prior issuance of the Reclamation Plan has been revised to account for certain comments from Fresno County including, but not limited to, addition of hauling and dumping costs, increase in budget for potential County management fees (from $10,000 to $20,000), and an update to 15% contingency allowance per the increase in County management fees. The estimated costs to reclaim the site to its previous (agricultural) condition are in alignment with current industry values for similar work.

We appreciate the opportunity to provide these services. If you have any questions or we can assist you in any other matter, please feel free to contact me at 717-602-3503.

Sincerely,



Stephen J. Shirey, PE
Technical Director, Electrical Engineering
Renewable Energy Services

22-386404.3 Conflitti Reclamation Approval.docx

Reclamation Plan

CES proposes the following site Reclamation Plan for the Project at the end of the 32-year land lease and termination of the solar facility operations.

Plan Objectives

The goal of the Reclamation Plan is to make possible the cost-effective and efficient removal of the installed power generation equipment and return the site to a condition as close to a pre-construction state as feasible. The procedures described for reclamation are designed to ensure public health and safety, environmental protection, and compliance with applicable regulations. The primary activities required for the reclamation include removal of PV modules, one-axis tracker racks, steel I-beam posts, electrical equipment, underground wire/conduits, and fences, and then treatment of the land surface to return to the original agriculture condition.

The proposed implementation strategy includes (1) the use of industry-standard demolition methods to decrease personnel safety exposure, (2) the use of mechanized equipment (e.g., backhoe, crane) and trained operators to efficiently remove facility equipment, (3) minimization of material waste by recycling, repurposing, or refurbishment equipment as much as possible, and (4) disposal of the remaining materials in appropriate facilities for treatment and disposal.

Note that the Landlord has owned the parcel since 2008 and has never used it for farming. They do not recall when the land was last in agriculture use. The property has no significant natural surface water flows to be disrupted. There are no hazardous chemicals or materials on-site during construction or the 32-year operation. Furthermore, the solar facility will not require any grade changes; the rack equipment can easily accommodate the gradual slope of the existing land surface. Therefore, it should be a relatively simple procedure to return the land to its original agricultural condition.

Plan Tasks

The Reclamation Plan is divided into 10 tasks defined below. The tasks are typically done in sequence for the greatest efficiency with some overlap and parallel team efforts. The plan requires approximately 5 to 6 weeks to complete with 4 to 6 workers at a time. The salvage contractors shall make all reasonable efforts to hire workers and vendors from Fresno County. The fences will be kept in place for safety and limited access until all the facility equipment is dismantled and transported off-site.

Task List:

1. PV Modules: The facility contains 11,741 photovoltaic modules of 1 m by 2 m size. The first task in the plan is to remove these modules from the tracking racks; then, the facility will be much more open to complete the remaining tasks efficiently. The modules will be packed into a box truck and transported to a recycling facility that has the ability to process photovoltaic semiconductor cells, reclaim valuable materials, and safely dispose of the remaining materials. Four workers will carry out this scope of work over the course of eight working days.
2. Above Ground Wire: One of the major advantages of the Electron Farms design is that almost all the DC wiring is above ground and mounted on guidewire hooks on the racks. This method makes both the construction and dismantling efforts much easier and far less costly. The wire is copper, and the guidewire and hooks are steel, so there is significant material value. The wire will be rolled up and consolidated in one area for pickup by a metal recycling or repurposing facility. Four workers will carry out this scope of work over the course of eight working days.
3. Racks: The facility contains 155 tracker racks of 297 ft in length. These are fabricated with aluminum, so they are of high material value for recycling. The task is to remove the racks from the posts and consolidate them for pickup by an aluminum recycling facility. Four workers will carry out this scope of work over the course of eight working days.
4. Posts: Every rack has 12-posts, and therefore the facility contains 1860 posts in total. The posts are 8 ft long steel I-beams, hammered into the ground about 4 ft deep. The posts will be pulled out with a backhoe and consolidated for pickup by a steel recycling or repurposing facility. Four workers will carry out this scope of work over the course of eight working days.
5. Underground Wire: As previously stated, the facility has very little underground wire by design, saving significant reclamation costs. There is less than 100 ft of conduit (24” deep) for DC wiring to the Central Inverter and about 350 ft of medium-voltage AC direct-burial cable (36” deep) from the Inverter to the POI cabinet. The AC wire and DC conduits are pulled out of the ground with a backhoe. The conduit holes will be backfilled with native soil. The wire will be rolled up and consolidated in one area for pickup by an aluminum recycling or repurposing facility. The 100 ft of conduits can either be repurposed or taken to the local dump.
6. Inverter: The Central Inverter is constructed on an equipment skid as one integrated unit to save on the on-site construction (and dismantling) costs. It is transported on a flatbed trailer, and the whole unit is dropped into place with a crane. For dismantling, task 5 will disconnect all the wiring; then, the skid can be lifted by a crane and placed on a flatbed trailer. The skid can be transported to the original manufacture if they consider it to have some value for refurbishment and there is no cost to the Project, or it can be taken to an electrical equipment recycling facility. The metal has significant value.
7. POI Cabinet: The Point of Interconnect (POI) cabinet (3 ft by 8 ft footprint) is installed on a concrete pad (6 ft by 8 ft). The POI cabinet is easily lifted by a crane and placed on a long bed pickup truck during the same day as task 6. It can be taken to an electrical equipment recycling facility. The concrete pad can be demolished and taken to the local dump or reprocessing facility.
8. Fences: After all the equipment is removed from the facility, the next task is to remove 3960 ft of the perimeter fence and three gates from the 40-acre site. The fence poles can be pulled out with a backhoe. All the fence materials will be consolidated for pickup by a steel recycling or fence repurposing facility.
9. Hauling and Dumping: All equipment and other materials from the solar facility will be consolidated for removal by a hauling company. The hauling company will remove the

materials from the site and bring them to local disposal facilities. The hauling estimate is based on the following assumptions:

- Solar Panels: A single solar panel is 0.06 cubic meters. A standard shipping container, which will be used to transport the panels to a local metal scrap yard, is 66 cubic meters. Therefore, a standard shipping container can hold 1,000 stacked modules (encompassing a total area of 60 cubic meters) with a 10% margin of error. With 11,741 modules on site, 12 shipping containers will be required to remove all module materials.
- Balance of Materials (Posts, Racking, Wire, Fencing): The balance of plant materials will be stacked and stowed in shipping containers or equivalent dumpsters and removed offsite. All of these materials can be transported in a consolidated manner (for example, the posts can be interlaced with each other and bundled), substantially minimizing the space required relative to the solar panels. Given the smaller number of individual items in this balance of materials category relative to solar panels (144 racks, 1,728 beams, 330 individual 12 foot fence panels = 2,202 items), an additional three shipping containers or equivalent-sized dumpsters are conservatively estimated to be required to remove the balance of on-site materials.
- All materials will be hauled from the project site to a scrap recycling center in Fresno, a distance of approximately 50 miles. As such, each of the 15 roundtrips will cover 100 miles and require two hours of driving time. Budgeting an estimated 30 minutes to load each container/dumpster on site and 30 minutes to offload at the scrap facility, a full day of work is estimated to include two hauling trips in six working hours plus one hour for lunch. The full scope of work will therefore be completed within eight days. On an all-in basis, each trip is budgeted at $970, inclusive of an estimated $5.00/mile ($500 per trip), $46/hour driver salary in line with prevailing wage rates ($161 per trip inclusive of 30 minutes for lunch allocated to each trip), and a buffer cost per trip of $309 covering upfront reservation fees, insurance, and other overhead costs for the truck rental company. Note that the $5.00/mile figure is calibrated at more than twice the current flatbed freight rate of $2.41/mile for the Western United States given the shorter distance of this job relative to long-haul trucking.
- The cost of dumping fees is based on the prevailing rate of $85/ton in Fresno County for construction and demolition debris plus associated environmental fees and fuel charges at the waste station. The hauling truck will take any debris from the project site directly to the dump, so there are no additional labor or equipment costs associated with the dump fee line item, as those costs are captured in the hauling budget. The all-in estimate of $4,415 for dumping fees is based upon an assumption that the project will generate approximately 47 tons of disposable waste (all classified as construction and demolition debris for waste categorization purposes), comprised primarily of disposables from the solar panels (11,741 panels with 8 pounds of disposable material per panel = 117,410 pounds of disposable material = 47 tons = $3,995) plus a relatively negligible amount cost for disposal of wire (450 feet of wire multiplied by 46 pounds per 100ft of wire = 0.1 tons = $8.50). The balance of the dumping fees consist of a buffer allowance for several additional tons of miscellaneous materials and associated fees. Conservatively, we assume no salvage value for the glass, aluminum, and metal components of the system despite the existence of robust secondary markets for all of these materials. However, we do expect that the scrap facility will accept these materials as-is, since we they will be able to realize substantial profits off their resale.

10. Surface: The last task is to clean up any remaining debris from the site and take it to the local

dump. Since the site grade is not adjusted and there are minimal underground wires/conduits installed during construction, the surface is essentially the same as the original condition. The landowner may require surface smoothing, tilling, and cover seeding in preparation for future agriculture usage. We allocate 3 days for labor and tractor work.

Plan Costs

CES performed an engineering cost estimate of reclaiming the site to its previous agricultural condition. The following table contains the level-of-effort and the labor and equipment costs for each task. All labor costs are set according to applicable prevailing wage rates. The total cost is $117,960, inclusive of a 15% contingency allowance and a $20,000 budget for management costs.

Task Number	Task Name	Task Description	Labor Costs					Equipment Costs				Total Costs
			Workers	Days	Total Hours	Hourly Rate	Subtotal	Equip Type	Total Hours	Hourly Rate	Subtotal	
1	PV Modules	Detach 11,741 PV modules from the racks and transport them to an electronic recycling facility.	4	8	256	$46	$11,776	NA	NA	NA	$0	$11,776
2	Racks	Detach 144 aluminum one-axis tracker racks (297' length) from posts and consolidate them for pickup by an aluminum recycling facility.	4	8	256	$46	$11,776	NA	NA	NA	$0	$11,776
3	Posts	Pull 12 steel I-beam posts per rack from the ground and consolidate the 1728 I-beams for pickup by a steel recycling facility.	6	8	384	$46	$17,664	Backhoe	64	$100	$6,400	$24,064
4	Fences	Remove 3960 feet of fence, 3 gates and several poles around 40 acre site perimeter and consolidate them for pickup by a steel recycling or repurpose facility.	4	3	96	$49	$4,776	Backhoe	24	$100	$2,400	$7,176
5	Access Roads	Access road is compacted native, no demolition required	NA	NA	NA	$0	$0	NA	NA	$0	$0	$0
6	Building Demolition	No buildings on site	NA	NA	NA	$0	$0	NA	NA	$0	$0	$0
7	Substation Demolition	No substation on site	NA	NA	NA	$0	$0	NA	NA	$0	$0	$0
8	Wire & Grounding Rods	Remove underground DC conduits (~100 ft) and buried AC cable (~350 ft) and consolidate them for pickup by an aluminum recycling facility and conduit repurpose.	1	2	16	$46	$736	Backhoe	16	$100	$1,600	$2,336
9	Aboveground Wire	Remove above-ground wire cables and guide wire assemblies and consolidate them for pickup by a copper/steel recycling facility.	2	3	48	$46	$2,208	NA	NA	NA	$0	$2,208
10	Inverter	Disconnect the central inverter skid, use crane to lift onto flatbed truck, and transport to manufacturer for refurbishment-reuse (if no cost) or an electronic/metal recycling facility.	2	1	16	$46	$736	Crane	4	$100	$400	$1,136
11	POI Cabinet	Disconnect the Point of Interconnect cabinet, use crane to lift onto long-bed pickup truck, and transport to an electronic/metal recycling facility. Demo the concrete pad and take to dump.	2	1	16	$46	$736	Crane	4	$100	$400	$1,136
12	Hauling	A hauling company will remove all materials from site	1	8	56	$46	$2,576	Truck	NA	$0	$11,975	$14,551
13	Dump Fees	A hauling company will dump any non-salvageable materials	NA	NA	NA	$0	$0	NA	NA	$0	$0	$4,415
14	Land Rehabilitation	Land was previously fallow, therefore it will be returned to its original condition following decommissioning	NA	NA	NA	$0	$0	NA	NA	$0	$0	$2,000
16	Management Costs	$20,000 management costs for administrative expenses per Fresno County requirements	NA	NA	NA	$0	$0	NA	NA	$0	$0	$20,000
15	Contingency	15% contingency per Fresno County requirements	NA	NA	NA	$0	$0	NA	NA	$0	$0	$15,386
											TOTAL =	$117,960

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Paul Conflitti

APPLICATION NOS.: Initial Study No. 8230 and Unclassified Conditional Use Permit Application No. 3742

DESCRIPTION: Allow the installation of a new solar farm with related equipment on a 40-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the west side of South Fairfax Ave. between West Panoche Ave. and West South Avenue. (APN: 027-121-15S). (Section 17, Township 15s, Range 13e) (Sup. Dist. 1)

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

A. Have a substantial adverse effect on a scenic vista; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is in a predominantly agricultural area throughout the region. Images of the subject site depict views of the nearby foothill range located east and northeast of the subject site. Underlying development standards established by the Zone District will regulate construction of the structure to a maximum height of 35 feet. In considering the project will be following development standards of the underlying zone district and that no scenic vista would be negatively impacted by the project, a less than significant impact can be seen.

B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site is situated South Fairfax Ave. Per Figure OS-2 of the Fresno County General Plan, South Fairfax Ave. is not designated as a scenic road. Although the project site is located of the points of interest, these areas are not observed from the project site where an impact to a scenic vista could potentially occur. As there were no

scenic resources identified on the project site, the project is not expected to have a significant impact on a scenic vista or scenic resource.

C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The subject parcel is AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. There are no identifiable public views within the area. Therefore, with the project's mandatory compliance of the standards any planned visual character of the site follows all development

D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, the project will utilize outdoor site lighting and pole mounted parking lot lights to provide security for the development. To ensure that new sources of lights and glare do not adversely affect day or nighttime views in the area and not substantially impact adjacent properties or public right-of-way, mitigation measures for the placement and design of outdoor lighting will be implemented.

*** *Mitigation Measure(s)***

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

Per the 2018 Fresno County Important Farmland Map, the subject property is designated Farmland of Local Importance. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: LESS THAN SIGIFICANT IMPACT:

The subject parcel is AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is subject to a Williamson Act Contract and is seeking to be taken out of the contract. Although the project will conflict with the existing zoning for agricultural use and the Williamson Act Contract, it has been determined due to water issues, converting the land (with a reclamation plan in place) shall provide a benefit to Fresno County as a whole, with the assertion after an unspecified time, the land will be reclaimed for agricultural purposes.

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

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

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land or timberland, and therefore will not result in the loss of forest land or the conversion of forest land or farmland to incompatible uses.

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

FINDING: LESS THAN SIGIFICANT IMPACT:

The subject parcel is AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is subject to a Williamson Act Contract and is seeking to be taken out of the contract. Although the project will conflict with the existing zoning for agricultural use and the Williamson Act Contract, it has been determined due to water issues, converting the land (with a reclamation plan in place) shall provide a benefit to Fresno County as a whole, with the assertion after an unspecified time, the land will be reclaimed for agricultural purposes.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

The applicant provided an Air Quality and Greenhouse Gas Impact Analysis, completed by QK, dated August 23, 2022. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by Air District.

Per the Air Quality and Greenhouse Gas Impact Analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and particulate matter (PM_{10} and $PM_{2.5}$). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction emissions associated with the project would be below SJVAPCD thresholds for ROG, NOx, CO, SOx, $PM_{2.5}$, or PM_{10} emissions. In addition to the construction period thresholds of significance, SJVAPCD has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM_{10} emissions during the construction period. Implementation of Mitigation Measures as noted below would ensure that the proposed project complies with Regulation VIII and further reduces the short-term construction period air quality impacts.

Mitigation Measures

Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM_{10} Prohibitions), the following measures shall be implemented for dust control during construction*:*

1. *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.*

2. *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant*

3. *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*

4. *When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*

5. *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)*

6. *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.*

The Long-Term Operational Emissions are associated with mobile source emissions that would result from vehicle trips associated with the proposed project. Area sources, such as landscape equipment would also result in pollutant emissions. Based on the air quality impact analysis, emission estimates for operation of the project calculated using CalEEMod shows that the total project emission resulting from the project would not exceed San Joaquin Valley Air Pollution Control District thresholds for annual ROG, NOx, CO, SOx, PM_{10}, or $PM_{2.5}$ emissions; therefore, the proposed project would have a less than significant effect on regional air quality, and thus, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located within the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O_3, PM_{10}, $PM_{2.5}$, CO, NO_2, SO_2, lead and others.

Per the Air Quality and Greenhouse Gas Impact Analysis by QK, the project does not pose a substantial increase to basin emissions. As the project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable

C. Expose sensitive receptors to substantial pollutant concentrations; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves the clearing of vegetation and grading of the proposed equipment area. While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed lease areas.

Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under ambient air-quality standard. The proposal will be subject to General Plan Policy OS-G.14, which requires that 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 the use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air Quality and Greenhouse Gas Impact Analysis, heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after individual construction is completed. No other sources of objectionable odors have been identified for the project.

The San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the district nuisance rule requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The uses proposed by the subject application are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

A. Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not located within an area identified as California Tiger Salamander and Vernal Pool Fairy Shrimp. Therefore, any potential special-status

species impacts resulting in disturbing these habitats are determined to be less than significant.

B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory mapper web application, the project site is not substantial adverse effect on any riparian habitat or other sensitive natural community. Therefore, impacts resulting in disturbing these habitats can be mitigated to less than significant.

C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

FINDING: NO IMPACT:

The proposed project is not located within a state or federally-protected wetland. No substantial adverse effect on state or federally-protected wetlands is affected.

D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not likely to affect nor interfere substantially with the movement of any native resident or migratory fish or wildlife species.

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

This project does not conflict with any local policies or ordinances protecting biological resources.

F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project site is unimproved with no vegetation. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinance.

V. CULTURAL RESOURCES

Would the project:

A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or

B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or

C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Additional mitigation measures including proper procedure for identification of cultural resources should they be identified during project construction and the requirement of an archeological monitor being present during ground-disturbing activity will further ensure that the project would result in a less than significant impact. Further discussion can be found in Section XVIII. Tribal Cultural Resources.

* ***Mitigation Measure(s)***

1. *See Section XVIII. Tribal Cultural Resources*

VI. ENERGY

Would the project:

A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of by-right uses allowed in the proposed Zone District, including a proposed uses on the subject property would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will also be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), effective January 1, 2020, to meet the goals of

Assembly Bill (AB) 32 which established a comprehensive program of cost-effective reductions of greenhouse gases to 1990 levels by 2020.

B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Energy resource consumption is expected to occur during project construction and operation. The proposed development is subject to current building code standards which would consider state and local energy efficiency standards and renewable energy goals. The project would result in a less than significant impact.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

Per the California Department of Conservation's Earthquake Hazard Zone Web Application, the project is not located within or near an Earthquake Fault Zone or known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project site is located on land that has a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with 10% probability in 50 years. In consideration of Figure 9-5, the project site has a low chance of reaching peak horizontal ground acceleration and would have a low chance of being subject to strong seismic ground shaking.

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

FINDING: NO IMPACT:

As depicted in Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located within an area with landslide hazard or subsidence hazard. In

addition, as noted above, the project site is not expected to be subject to strong seismic shaking which if prolonged would result in liquefaction of the site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project construction will result in the loss of topsoil due to the addition of impervious surface. The existing terrain of the project site contains small hills and a seasonally flooded stream. The project would be subject to local and state standards for development of the site. Development of the site would be further reviewed and permitted and would ensure that the development would not result in substantial soil erosion where increased risk would occur.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site.

C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located on soils exhibiting moderately high to high expansion potential.

D. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located within the boundaries of County Service Area (CSA) 34 and receives sewer service from the CSA. The Fresno County Resources Division indicated in their comments of the project that sewer treatment capacity from the existing wastewater treatment facility will require procurement of additional capacity units if the developer does not have enough units for the proposed development. Confirmation of available capacity units with the Resources Division would occur prior to building permits being issued for the project. As the project will not be allowed to construct septic systems and will be required to hook into the existing CSA and wastewater treatment facility, the project would have a less than significant impact.

E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

FINDING: NO IMPACT:

No unique paleontological resource or unique geologic feature was identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions associated with the project would occur over the short-term from construction activities, as stated in the Air Quality and Greenhouse Gas by QK. Review of this application by the Air District indicated that this project, with adherence to the mitigation measure proposed by the Air District, would follow their policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases. These requirements provide oversight for the project to ensure that standards continue to be met. As they do not address any specific impacts, they will be included as conditions of approval to the Conditional Use Permit associated with this Initial Study. The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions. Adherence to the Air District's regulations will ensure less than significant impacts on the release of greenhouse gases.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Analysis Report*, conducted by QK Consulting dated August 23, 2022, states the estimated GHG emissions of a similar project (the Pastoria Solar Project) during construction and operations, which would generate approximately 1,297 metric tons of CO2 emissions (MTCO2e). The subject project estimates a 180-day (six-month) construction period with an average of five employees per day. In addition to the estimated employee trips, a total of 30 delivery truck trips are projected to deliver all equipment and materials for the development of the project. In assuming similar construction emissions for the project compared to the Pastoria Solar

Project, CO2 emissions resulting from project construction would be approximately half of the CO2 emissions estimated to be generated for the development of the Pastoria Solar Project, which is shown as 648.5 MTCO2e. The project is for a renewable energy generation facility that would assist in decreasing GHG emissions by offsetting emissions resulting from other power generation resources. The project would further result in local, regional, and statewide GHG emissions reduction targets and would not conflict with an applicable plan, policy, or regulation adopted to reduce GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and provided comments. There comments include compliance of the project with State and local regulations for the use and/or storage of hazardous materials and wastes should they be utilized. Regulations include compliance with the California Health and Safety Code and preparation of submittal of a Hazardous Materials Business Plan. The project proposes to construct a multi-family residential complex and does not propose the storage of hazardous materials in amounts where a significant hazard to the public or environment could occur. With the project's compliance with applicable State and local handling and reporting requirements, the project is not likely to result in a significant hazard or result in a significant hazard due to accident conditions involving the release of hazardous materials into the environment.

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

FINDING: NO IMPACT:

There are no existing schools within a one-quarter mile of the project site nor any indication of any designated sites for a school within the Specific Plan area. For reference, the closest clusters of schools are located within the unincorporated community of Mendota located 13-miles northeast of the project site.

D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the NEPAssist database, there are no listed hazardous materials sites located on the project site, nor in proximity of the subject site.

E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area; or

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, *2018,* the nearest public airport, located within the unincorporated community of San Joaquin, is approximately 20- miles east of the site.

Given the distance between airport and the project site, the safety and noise impacts resulting from flying operations on people residing or working in the project area would be less than significant.

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

FINDING: NO IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is not within the State Responsibility area for wildland fire. Potential exposure to wildland fires is deemed less than significant as the area is away from sensitive receptors whom may be negatively affected from potential risk of wildfires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not violate any water quality standards. The project site falls under the purview of the Westland Water District. The land is currently eligible to receive an allocation of water from the District's agricultural water service contract.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, the following shall be included as Project Notes: 1) In an effort to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed; 2) the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Health Department prior to commencement of work; and 3) if any underground storage tank(s) are found during mining activities, the applicant

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site falls under the purview of the Westland Water District. The land is currently eligible to receive an allocation of water from the District's agricultural water service contract. The description indicates that the project will be temporary in nature, will be decommissioned after the useful life and the land will be returned to a condition that is suitable for agricultural use, as reflected in the Reclamation Plan that contains financial assurances that the decommissioning will be completed. Based on these factors, the project parcel may be eligible to continue to receive water supply benefits from the District, provided the additional requirements of the District's Article 2, and the Appendix A thereto, are met. The Regulations stipulate the quantity of water that will be made available to a water user from the District's Central Valley Project (CVP) contract supply. The District will make available up to five (5) acre-feet annually, per 160 acres, for solar developments. The Applicant is responsible for acquiring more water if needed. The Applicant must comply with the District's Backflow Prevention guidelines for this connection to the District's water system. If there is not a delivery turnout on the property then the Applicant would be responsible for the development and construction of the pipeline to connect to the District's

C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?

FINDING: NO IMPACT:

The project site is not expected to alter any existing drainage pattern of the site or area, including through the alteration of the course of a stream or river.

1. Result in substantial erosion or siltation on- or off-site.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading and drainage associated with the construction of fire station will adhere to the Grading and Drainage Sections of the County Ordinance Code.

The project will adhere to Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that the Applicant shall provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation, and drainage.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall require: 1) an engineered grading and drainage plan to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3)providing copies of completed NOI and SWPPP to Development Engineering prior to any grading work. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1975H the parcel is not subject to flooding from the 100-year storm.

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

FINDING: NO IMPACT:

The subject proposal would not conflict with any Water Quality Control Plan or sustainable groundwater management plan. Water to the project will be provided by Westland Water District.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community; or

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is located within Westland Water District and as such do not pose any threat to an established community as the surrounding parcels consist of agricultural land, and not therefore physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project and complies with the following General Plan policies: The subject parcel is enrolled in the Williamson Act Program under contract 1152. Pursuant to Fresno County Williamson Act Program Guidelines, the use of land enrolled in the Program is limited to commercial agricultural operations and other compatible uses adopted by the Board of Supervisors.

The proposed solar electrical generation facility is not a permitted or considered a compatible use on land enrolled in the Williamson Act Program. The 20-acre area devoted to the solar project and all other related facilities associated with the solar facility must be removed from the Williamson Act Program through the Cancelation process. Additionally, the contract on the remaining 20-acre portion of the parcel that will not be used for the solar facility must be nonrenewed because it will no longer meets the required minimum parcel size to remain under contract. The minimum parcel size for nonprime soil is 40 acres. In order to pursue the CUP Application No. 3742, the applicant must submit a cancellation petition for removal of the 20-acre area that is proposed to be used for the proposed solar facility from the Williamson Act contract for consideration by the Agricultural Land Conservation Committee and the Board of Supervisors.

Since processing the cancellation petition requires a notice of non-renewal to be recorded on the 20-acre portion of the 40-acre parcel subject to cancelation, and a notice of non-renewal must be recorded on the remaining 20 acres since it no longer

meets the minimum acreage to remain enrolled in the Williamson Act contract, the applicant can file a notice of non-renewal of the contract on the entire 40-acre parcel.

XII. MINERAL RESOURCES

Would the project:

A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan, or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located within a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Noise from increased vehicular traffic on and around the project site during construction of the storage pond would be less than significant. Construction-related noises are expected to be short term and exempt from compliance with the Fresno County Noise Ordinance, provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

The project will adhere to Mitigation Measure No. 19.a - Noise, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that projects adjacent to Millerton Road, shall provide shielding incorporated into the specific design of buildings in the form of noise barriers.

B. Generation of excessive ground-borne vibration or ground-borne noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed rezone involves the creation of a new solar farm with related equipment on a 40-acre parcel. A Project Note would require that the construction of the project shall comply with the County Noise Ordinance regulations.

C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people be residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not near an airport to be subject to airport noise. the nearest public airport, located within the unincorporated community of San Joaquin, is approximately 20- miles east of the site.

XIV. POPULATION AND HOUSING

Would the project:

A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed new solar farm with related equipment on a 40-acre parcel will not result in any unplanned population growth.

B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The site is currently vacant and will not displace any exiting people or houses necessitating housing replacement elsewhere.

XV. PUBLIC SERVICES

Would the project:

A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection.

2. Police protection.

3. Schools.

4. Parks; or

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.

XVI. RECREATION

Would the project:

A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed new solar farm with related equipment on a 40-acre parcel will not result in the expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and required a traffic management plan to determine the project's impacts to County roads and intersections. According to the traffic management and Vehicles Miles Traveled report, project construction is anticipated to occur over a six-month construction period with an average of five employees a day. In addition to employee trips, an estimated 30 delivery truck trips associated with equipment and materials will provide an increase in overall trip generation, however, would have a minimal impact on the average daily trip for construction related traffic and would not exceed the 110 trips per day threshold. Once construction of the project is complete, trip generation related to operation would be minimal, as monitoring of the site would be remotely conducted. It is anticipated there would be occasional maintenance of the facility, but it would be sporadic and completed using a regular pickup truck. Additionally, PV module cleaning would occur twice a year where a water tanker truck would be utilized.

With the anticipated number of daily trips generated during construction and daily trips associated with operation, the project will generate less than 110 trips per day and can be assumed under guidance of the TA that the project would result in a less than significant impact.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict nor be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? or

D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Road Maintenance & Operations division reviewed the proposal and requires the following:

- All extra-legal loads shall require an approved transportation permit from Fresno County Road Maintenance and Operations.
- Once construction begins, the applicant must assume responsibility for the maintenance of Panoche Road or Manning Ave between I-5 and the project Access point for the duration of the construction.
- An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No further inquires were presented to County Staff.

However, in the unlikely event that cultural resources are identified on the property, the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce impact to tribal cultural resources to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY above. The construction of any new or expanded electric power, or natural gas to provide for the proposed residential development.

B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

D. Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not anticipate on generating solid waste exceeding State or local standards. As such, the impact would be a less than significant impact.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or

C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or

D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within the State Responsibility Area (SRA). The project will not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; or

FINDING: NO IMACT:

The project site is not located within an area of wildlife and wetlands.

B. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., V., and XVII of this report.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts relating to Agricultural, and Forestry Resources, Air

Quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Energy will be addressed with the Mitigation Measures discussed above in Section I, Section IV, Section V and Section VI.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8230 prepared for Unclassified Conditional Use Permit No. 3742, staff has concluded that the project will not have a significant effect on the environment.

No potential impacts were identified related to agricultural and forestry resources, and mineral resources.

Impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, population and housing, hydrology and water quality, land use and planning, noise, energy, public services, transportation, recreation, utilities and service systems, and wildfire have been determined to be less than significant.

Impacts related to aesthetics, biological resources, and tribal cultural resources have been determined to be less than significant with adherence to the proposed Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. “A”, Fresno, CA.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and “M” Streets, Fresno, California.

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