



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 April 11, 2024

SUBJECT: Unclassified Conditional Use Permit Application No. 3786 amending CUP 3671 & Environmental Impact Report No. 7813 - Luna Valley Solar Project.

LOCATION: The project site is located on the west side of State Route 33 (S. Derrick Avenue), between the W. South Avenue and W. Dinuba Avenue, bisected by W. Manning Avenue, and approximately nine miles south of the City of Mendota (APNs: 028-100-84ST, 028-100-85ST, 028-060-77ST) (Sup. Dist. 1).

OWNER/APPLICANT: Luna Valley Solar I, LLC

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Unclassified Conditional Use Permit No. 3786 amending CUP No. 3671; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Zoning Map
3. Land Use Map
4. Planning Commission Resolution dated November 18, 2021
5. Modified Mitigation Measure Reporting Program
6. Previous Staff Report and Environmental Impact Report

ENVIRONMENTAL DETERMINATION:

An Environmental Impact Report (EIR) was certified by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Conditional Use Permit No. 3671 on November 18, 2021. The current application proposes modification to a mitigation measure approved with the EIR. No other changes to the EIR are proposed.

According to Section 15162(a) of the CEQA Guidelines, Subsequent EIR's and Negative Declarations: (a) When an EIR or negative declaration (MND) is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following (summarized):

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration.
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken.
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows that the project would: (A) The project will have one or more significant effects not discussed on the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PUBLIC NOTICE:

Notices of this public hearing were sent to 10 property owners within 1,320 feet of the subject parcels, exceeding the 300-foot minimum notification requirements prescribed by California Government Code Section 65091 and the County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

Per Zoning Ordinance Section 868.6.040 In order to modify an approved conditional use permit (of which the environmental mitigation measures of the EIR are a subset of the conditions of approval) requires that the modification be approved by the decision-making body that certified the EIR and approved the CUP originally.

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

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit No. 3671 was approved by the Planning Commission on November 18, 2021. CUP 3671 authorized the construction, operation, maintenance, and ultimate decommissioning of a photovoltaic (PV) electricity generating facility which will generate an estimated 200-megawatts (MW) with an estimated 200 megawatts of battery energy storage. The proposed project is comprised of the solar panel array, battery energy storage components, and a 34.5 kilovolt (KV) overhead transmission line with supporting electrical infrastructure.

An application for a one-year time extension was approved on November 18, 2023, and extended project approval to December 3, 2024

This application proposes a modification of one of the mitigation measures relating to road repair, adopted by EIR 7813. The mitigation measure required that the applicant enter into a secured agreement to fund any subsequent repair of any County roads damaged during project construction. The proposed modified mitigation measure would remove the requirement for a secured agreement and replace it with a requirement that specific repairs be made by the applicant, and subject to inspection and approval by the Fresno County Road Maintenance and Operations Division, prior to final inspection of building permits, release of any temporary power deposits, or start of project operations, other than testing of facilities.

ANALYSIS/DISCUSSION

Mitigation measures that are considered equal to or better than the original condition may be substituted without recirculating the EIR. The Planning Commission must consider and determine whether or not Mitigation Measure 4.18-1 adopted with EIR 7813 may be modified, replacing the original language with the recommended language as described in Exhibit 5, thereby amending Conditional Use Permit 3671 and the Mitigation Monitoring and Reporting Program "MMRP" for EIR 7813.

The original mitigation measure uses a broadly worded requirement for a secured agreement but did not identify specific measures that would be undertaken. The proposed new condition, shown below, recommend by the Road Maintenance Division calls for specific road improvements, which can be considered to more effective by specifically addressing the improvements needed to offset the impact of the construction of the project on the condition of the road.

Approved Mitigation Measure 4.18-1

Applicant shall enter into a secured agreement with Fresno County to ensure that any County roads that are demonstrably damaged by Project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Fresno County.

Proposed Modified Mitigation Measure 4.18-1

Prior to final inspection of building permits, release of any temporary power deposits, or the start of operations other than testing process of the facilities the Applicant shall crack seal & chip seal Manning Ave between Derrick Avenue and the Ohio Avenue Alignment. The full width of all construction entrances shall be grinded to a depth of .30 foot and replaced with hot mixed asphalt for the full width of the roadway prior to the chip seal application.

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

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.**

Finding 1 Analysis:

No physical changes to the project design are proposed with this application. The site was found to be adequate to accommodate the project.

Finding 1 Conclusion:

Finding 1 can be made as the project site was found in the original analysis to be of adequate size and shape to accommodate the project as approved.

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.**

Finding 2 Analysis:

County facilities being directly affected by the project would be addressed through preliminary improvements to the roadway prior to construction of the project.

Finding 2 Conclusion:

Finding 2 can be made, as the proposed modified mitigation measure addresses potential impacts to County roadways identified in the original project analysis.

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

Finding 3 Analysis:

Comments from reviewing Agencies and Departments, did not identify any adverse effects from on surrounding property, and no potential for adverse impacts to surrounding property were identified in the analysis of this proposal to modify a mitigation measure.

Finding 3 Conclusion:

Finding 3 can be made as no potential for adverse impacts to surrounding property were identified in the analysis.

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

Finding 4 Analysis:

None of the reviewing departments identified any relevant General Plan policies that would be impacted by the proposal, with adherence to the approved Mitigation Measures, and with the modified mitigation measure as proposed with this application.

Finding 4 Conclusion:

Finding 4 can be made as no conflicts with General Policies were identified in the analysis.

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 conditions of approval were developed based on 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.

Finding 5 Conclusion:

Finding 5 can be made because the approved conditions, including the proposed modified mitigation measure addressing preliminary repairs to County roads, have been deemed necessary for the protection of public health, safety and general welfare.

SUMMARY CONCLUSION:

Based on the analysis above, Staff believes that all five findings necessary for approving a Conditional Use Permit can be made and therefore recommends that CUP 3786 amending CUP 3671 should be approved. Approval of this project will allow modification of Mitigation Measure No. 4.18-1 removing the requirement for a secured road repair agreement between the County and the applicant, and replacing it with a specific condition requiring that the recommended road repair, consisting of crack and chip sealing a segment be completed prior to final inspection of building permits, release of any temporary power deposits, or start of project operations, other than testing of facilities.

PLANNING COMMISSION MOTIONS:

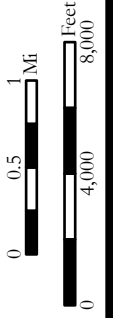
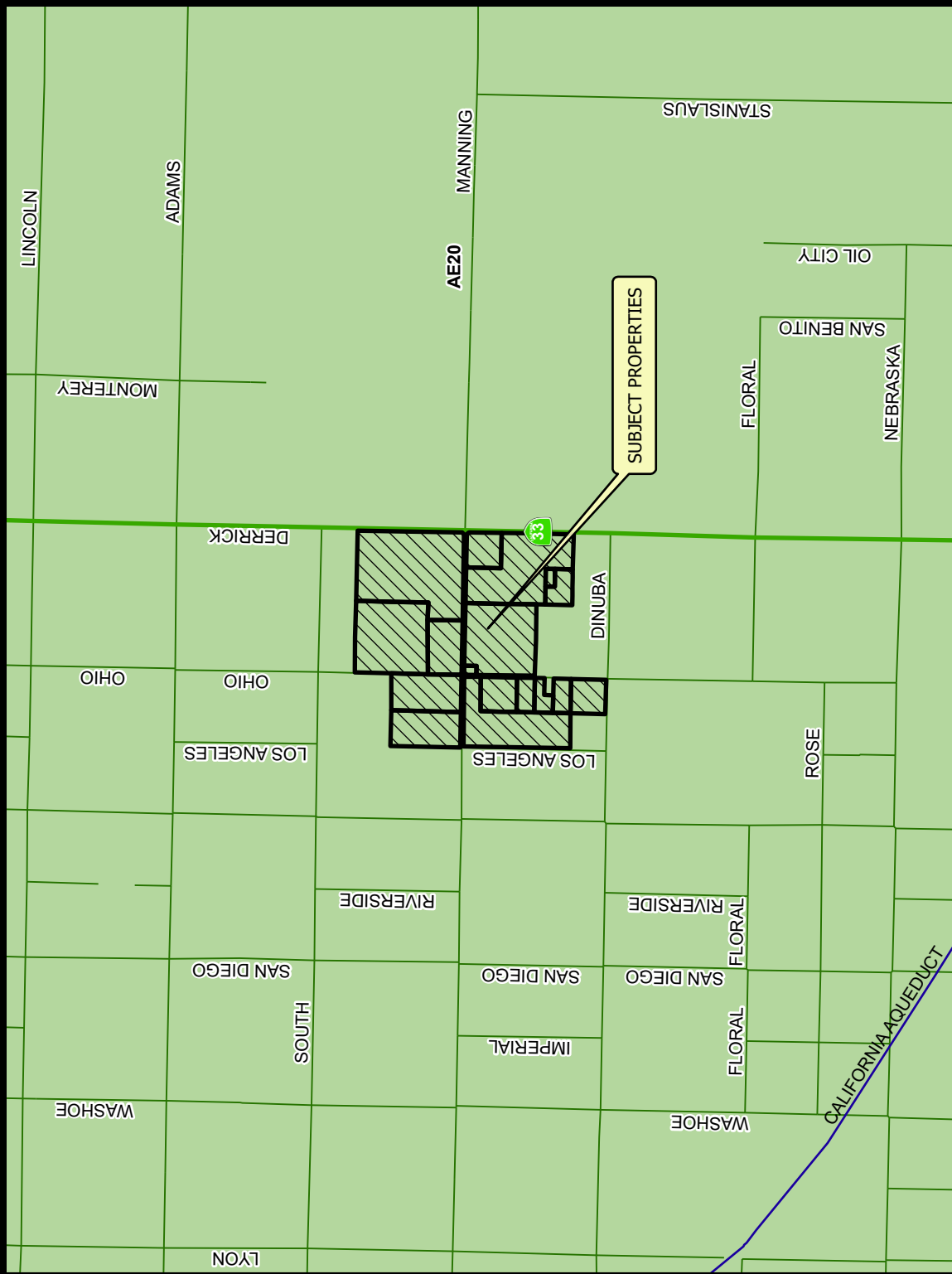
Recommended Motion (Approval Action)

- Move to approve CUP 3786 amending CUP 3671; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny CUP 3786 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

See attached Exhibit 1.



Existing Zoning Map



2024

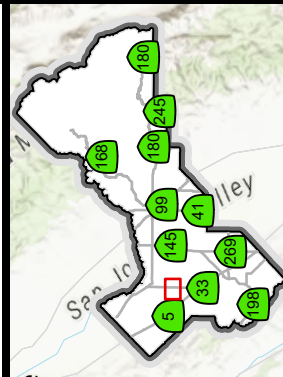
CUP 3786

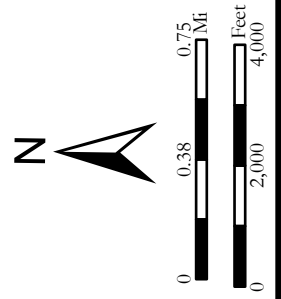
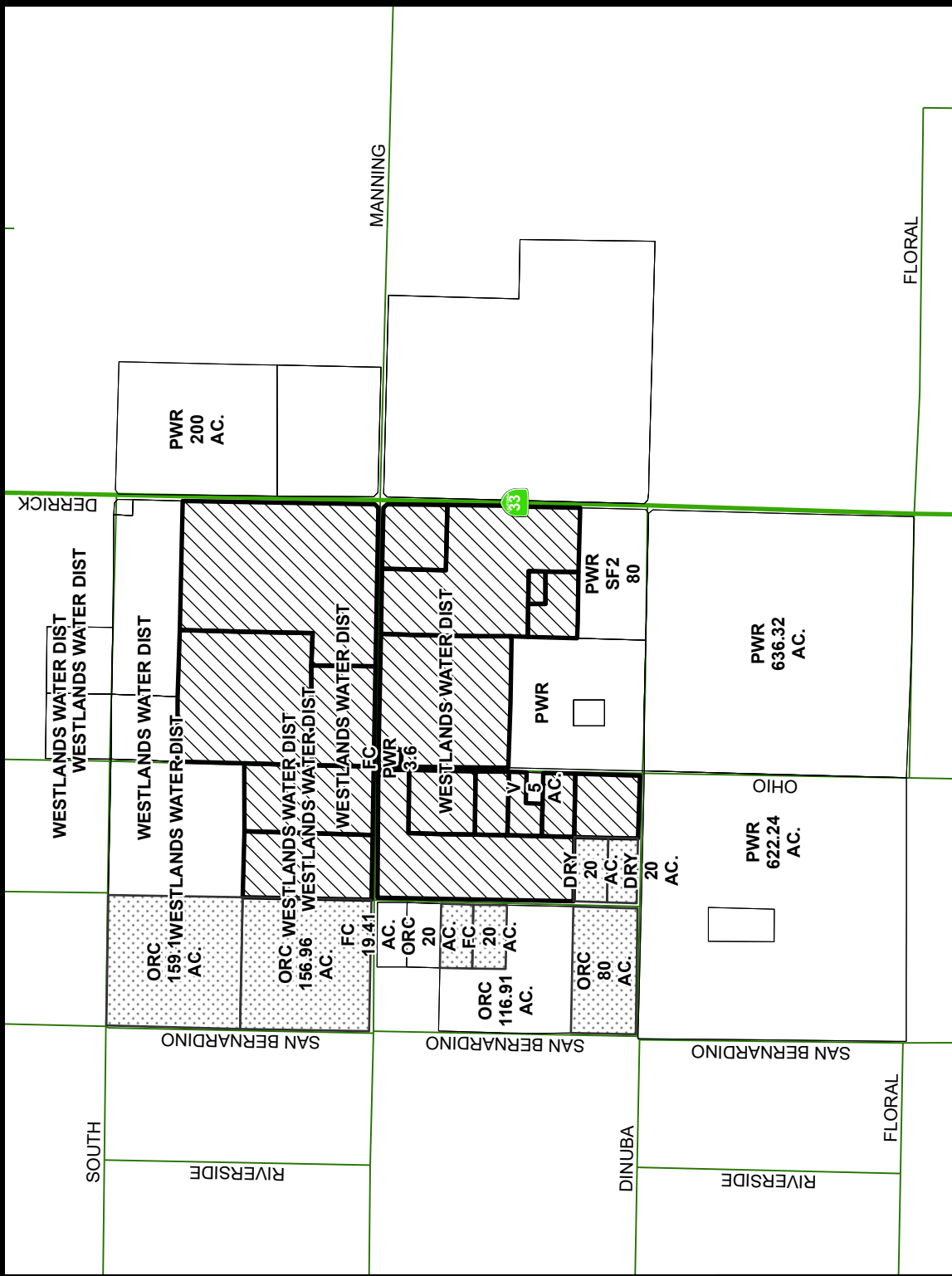
STR 23, 24, 25, 26 - 15S / 14E

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuwang
 On Date : 3/8/2024

Legend

-  Subject Properties
-  AE20





Existing Land Use Map

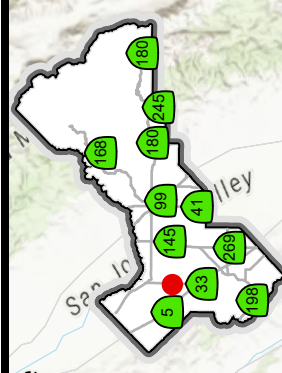
CUP 3786 | 2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuwang
 On Date : 3/7/2024

LEGEND:

-  Subject Properties
-  Ag Contract Land

LEGEND
DRY - DRY FARMING
FC - FIELD CROP
ORC - ORCHARD
PWR - POWER GENERATION SITE
SF#- SINGLE FAMILY RESIDENCE
V - VACANT





Inter Office Memo

DATE: November 18, 2021

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12916 – ENVIRONMENTAL IMPACT REPORT NO. 7813 AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3671

APPLICANT: Luna Valley Solar I, LLC

OWNER: Westlands Water District

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

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

PLANNING COMMISSION ACTION:

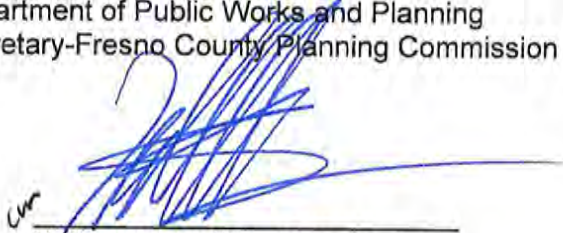
At its hearing of November 18, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

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

This motion passed on the following vote:

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

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

By: 

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

RESOLUTION # 12916

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

Attachments

EXHIBIT A

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

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

WMK:js:im:cwm
G:\4360Davs&Pin\PROJSEC\PROJDOCS\Environmental\EIR - EIS\ 7813 Luna Valley Solar\Post Approval docs\CUP 3671_EIR 7813 Resolution.doc

EXHIBIT 5

MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION No. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
Air Quality				
4.4-2	<p>The Project owner shall require that all off-road diesel equipment with greater than 100 horsepower used at the Project site meet USEPA Tier 4 Final off-road emission standards or equivalent to reduce NOX and diesel particulate matter emissions. In the event that it is determined that Tier 4 Final compliant equipment is not available for a specific piece or pieces of equipment with greater than 100 horsepower, the Project owner shall prepare an Emissions Reduction Plan to be submitted to the County for review and approval to substantiate that use of the available equipment that meet reduced emissions standards would not result in total Project emissions that would exceed 10 tons NOx per rolling 12-month average using either the air emissions calculations prepared for the Environmental Impact Report or other air emissions calculations estimated using the CalEEMod emissions model. The Plan shall identify the piece(s) of construction equipment that meet reduced emission standards, including the horsepower, certified tier specification status, and the associated maximum rolling 12-month average NOx emissions. As new or replacement construction equipment are required, the Project owner shall document each unit's horsepower, certified engine tier status, and associated emissions, consistent with the Plan prior to use on the Project.</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to the issuance of construction or building permits and throughout the construction duration.
Biological Resources				
4.5-1	<p>Protection of Special-Status Species</p> <p>Crownscale:</p> <p>A qualified biologist shall survey the site prior to construction¹ to identify the current extent of the Crownscale rare plant community, and the Project owner shall develop a Rare Plant Avoidance and Mitigation Plan. The Rare Plant Avoidance and Mitigation Plan shall evaluate options for safeguarding the rare plant community, including potential avoidance, maintenance, fencing, restoration, transplantation or seed transfer, as well as monitoring and long-term management requirements.</p> <p>Prior to construction, the Project owner shall coordinate with Fresno County regarding the Project's impacts on Crownscale. Fresno County shall be notified</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	<p>Crownscale: Prior to construction (Rare Plant Avoidance and Mitigation Plan); 10 days prior to construction activities in areas containing special-status plants (salvage of plants or seed).</p> <p>San Joaquin kit fox: 14 days prior to commencement of construction activities.</p>

EXHIBIT 5

¹ Construction activities include fence installation, vegetation removal, ground disturbance, grading, materials placement, assembly and installation of components, on-site vehicle traffic, and any other site activities associated with building the Project.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	at least 10 days prior to construction in areas containing special-status plants to allow for the salvage of special-status plants or seed.			<i>Burrowing owl</i> : 14 days before the initiation of.
Biological Resources (cont.)				
4.5-1 (cont.)	<p>San Joaquin kit fox:</p> <p>Preconstruction surveys shall be conducted by a qualified biologist for the presence of San Joaquin kit fox dens within 14 days prior to commencement of construction activities. The surveys shall be conducted in areas of suitable habitat for San Joaquin kit fox (areas that have been disked within 12 months prior to the start of ground-disturbing activities are not considered suitable). Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the site is disturbed. If no potential San Joaquin kit fox dens are present, no further mitigation is required. If potential dens are observed and avoidance is determined to be feasible (as defined in CEQA Guidelines §15364 consistent with the USFWS [1999] <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox</i>) by a qualified biologist in consultation with the Project owner and the County, buffer distances shall be established prior to construction activities.</p> <p>If avoidance of the potential dens is not feasible, the following measures are required to avoid potential adverse effects to the San Joaquin kit fox:</p> <ul style="list-style-type: none"> • If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-using them during construction. • If the qualified biologist determines that a potential non-natal den may be active, an on-site passive relocation program shall be implemented with prior approval from the USFWS. This program shall consist of excluding San Joaquin kit foxes from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for 72 hours to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that the San Joaquin kit foxes have stopped using active dens within the Project boundary, the dens shall be hand-excavated as stated above for inactive dens. • 			equipment staging or ground-disturbing activities

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
4.5-1 (cont.)	<p>Burrowing owl:</p> <p>The Project owner shall have biological surveys performed within 14 days before the initiation of equipment staging or ground-disturbing activities. A qualified wildlife biologist shall conduct pre-construction surveys on the site and immediate vicinity only in areas of the site with suitable burrowing habitat to locate any active breeding or wintering burrowing owl burrows, no fewer than 14 days prior to ground-disturbing activities (e.g., vegetation clearance, grading, tilling). Areas that have been disturbed within 12 months prior to the start of ground-disturbing activities are not considered suitable habitat. The survey methodology shall be consistent with the methods outlined in the CDFW (2012) <i>Staff Report on Burrowing Owl Mitigation</i> and shall consist of walking parallel transects 23 to 66 feet (7 to 20 meters) apart, noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. Copies of the survey results shall be submitted to CDFW and the Fresno County Public Works and Planning Department.</p> <ul style="list-style-type: none"> • If active burrowing owl burrows are detected on-site, no ground-disturbing activities, such as vegetation clearance or grading, shall be permitted within 330 feet from an active burrow during the breeding season (February 1 to August 31), unless otherwise authorized by a qualified biologist. During the non-breeding (winter) season (September 1 to January 31), no ground-disturbing work shall be permitted within a buffer of 50 feet from the active burrow. Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist based on the visibility and sensitivity responses of each individual burrowing owls or pairs. • If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with the CDFW (2012) <i>Staff Report on Burrowing Owl Mitigation</i>. • If passive relocation is anticipated due to on-site burrowing owl populations, a qualified biologist shall prepare a Burrowing Owl Exclusion 			

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	Plan in accordance with CDFW (2012) <i>Staff Report on Burrowing Owl Mitigation</i> .			
Biological Resources (cont.)				
4.5-2	<p>Worker Environmental Awareness Training and Best Management Practices for Biological Resources</p> <p>During construction, operation and maintenance, and decommissioning of the facility, the Project owner and/or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox and other special-status wildlife species:</p> <ul style="list-style-type: none"> • Prior to the issuance of grading or building permits and for the duration of construction activities, the Project owner, or its contractor, shall implement a Worker Environmental Awareness Program (WEAP) to train construction personnel how to recognize and protect biological resources on the Project site. The WEAP training shall include a review of the special-status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting the Crownscale, nesting birds protected under the MBTA, San Joaquin kit fox, Swainson's hawk, and the burrowing owl. The WEAP training shall indicate the appropriate steps to be taken if a special-status species is observed, which may include work stoppage and consultation with the CDFW and USFWS. • The Project owner shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid special-status species, under guidance of a biologist. Construction-related activities, vehicles and equipment outside of the impact zone shall be avoided. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. • To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of 	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to the issuance of grading or building permits and throughout the construction duration.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	<p>earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by construction personnel for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a species is trapped, the USFWS and/or CDFW shall be contacted immediately.</p>			
Biological Resources (cont.)				
4.5-2 (cont.)	<ul style="list-style-type: none"> • All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected by construction personnel for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the qualified biologist. If the trapped animal is a special-status species, the USFWS and/or CDFW shall be consulted prior to relocation. • Vehicles and equipment parked on the site shall have the ground beneath the vehicle or equipment inspected by construction personnel for the presence of wildlife prior to moving. • Vehicular traffic shall use existing routes of travel. Cross country vehicle and equipment use outside of the Project properties shall be prohibited. • A speed limit of 20 miles per hour shall be enforced within all construction areas. • A long-term trash abatement program shall be established for construction, operation, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven (<i>Corvus corax</i>), coyote (<i>Canis latrans</i>), and feral dogs. • Workers shall be prohibited from bringing pets (excluding service animals) to the Project site and from feeding wildlife in the vicinity. • Intentional killing or collection of any wildlife species shall be prohibited. 			

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
4.5-3	<p>Protection of Nesting Birds</p> <p>If construction is scheduled to commence outside of nesting season (September 1 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. During the nesting bird breeding season (February 1 to August 31), to avoid impacts to nesting birds in the Project site and immediate vicinity, a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	February 1 to August 31: 14 days prior to commencement of construction activities. If construction is halted for 14 days or more, the area shall be re-surveyed prior to re-initiating work.
Biological Resources (cont.)				
4.5-3 (cont.)	<p>Project site where vegetation removal or ground disturbance is planned. The survey shall be performed within the site and also include potential nest sites within a 0.5-mile buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope. Surveys shall be conducted no more than 14 days prior to construction activities. If construction is halted for 14 days or more, the area shall be re-surveyed prior to re-initiating work.</p> <p>Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer (e.g., 300 feet for common raptors; 0.25-mile for Swainson's hawk; 100 feet for passerines) shall be established around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of a qualified biologist in consultation with CDFW.</p>			
Cultural and Tribal Resources				
4.6-1	<p>Cultural Resources Awareness Training</p> <p>The Project Applicant shall retain a qualified archaeologist to carry out all mitigation measures related to archaeological and historical resources.</p> <p>Prior to the start of any ground-disturbing activities, the Project Applicant shall ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for all construction personnel working on the Project. A</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to the start of any ground-disturbing activities.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	<p>Native American-designated representative will be invited to attend and provide additional materials during each training. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. A sign-in sheet shall be completed, retained by the Project construction contractor for the duration of Project construction to demonstrate attendance at the awareness training, and provided to the County upon the completion of Project construction.</p>			
Cultural and Tribal Resources (cont.)				
<p>4.6-2</p>	<p>Inadvertent Discovery of Cultural Resources</p> <p>In the event archaeological materials are encountered during Project activities, the Project construction contractor shall immediately cease any ground disturbing activities within 100 feet of the find. The qualified archaeologist (and a Native American-designated representative if the resource is Native American-related) shall evaluate the significance of the resources for California Register of Historical Resources eligibility and recommend appropriate treatment measures to the County and the Applicant. Per CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall (in coordination with a Native American-designated representative if the resource is Native American-related) develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric, tribal cultural resources, or Native American in nature. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County and to the Southern San Joaquin Valley Information Center. Construction can recommence based on direction of the qualified archaeologist with the County's agreement.</p>	<p>Project owner and/or its designee(s) to implement measure as defined.</p>	<p>Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.</p>	<p>During construction activities.</p>
<p>4.6-3</p>	<p>Inadvertent Discovery of Human Remains</p> <p>If human remains are uncovered during Project activities, the Project owner shall immediately halt work, contact the Fresno County Coroner to evaluate the</p>	<p>Project owner and/or its designee(s) to implement measure as defined.</p>	<p>Fresno County Department of Public Works and Planning, Development</p>	<p>During construction activities.</p>

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	<p>remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c), and Public Resources Code 5097.98 (as amended). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98, and the Project Applicant shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further activity under the landowner has discussed and conferred, as prescribed in Public Resources Code Section 5097.98</p>		<p>Services Division, and/or its designee.</p>	
<p>Cultural and Tribal Resources (cont.)</p>				
<p>4.6-3 (cont.)</p>	<p>with the MLD regarding their recommendation for the disposition of the remains, taking into account the possibility of multiple human remains.</p>			
<p>4.6-4</p>	<p>In addition to implementing Mitigation Measures 4.6-1, 4.6-2, and 4.6-3, the Project owner shall retain a Secretary of the Interior-qualified archaeologist to prepare and implement a cultural resource monitoring plan (Plan) and coordinate and schedule Project archaeological monitors during Project construction. The plan will be submitted to the County for review and approval. The plan will include a requirement for monitoring of Project ground-disturbing activities of previously undisturbed soils by a qualified archaeologist and a Native American-designated monitor, if participating. The plan will include (but not be limited to) the following components:</p> <ul style="list-style-type: none"> • The identification and qualifications of person(s) responsible for conducting monitoring activities, including a request to the Native American tribe for a Native-American designated monitor; • The identification of person(s) responsible for overseeing and directing the monitors; • Monitoring protocols and procedures and the required format and content of monitoring logs; • The schedule for submittal of monitoring logs and identification of person(s) responsible for review and approval of monitoring logs; 	<p>Project owner and/or its designee(s) to implement measure as defined.</p>	<p>Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.</p>	<p>Cultural resource monitoring plan: prior to construction. Monitoring during ground-disturbing activities.</p>

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	<ul style="list-style-type: none"> • A protocol for notifications in the event cultural resources are encountered, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation); • Methods to ensure the security of cultural resources sites; and • A protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction. • Identify protocols and procedures for a final monitoring report that summarizes the duration of monitoring activities, all daily monitoring logs, any inadvertent discoveries, and associated reporting. This report will be submitted to the County and, once finalized, to the SSJVIC 			
Cultural and Tribal Resources (cont.)				
4.6-4 (cont.)	During the course of the construction monitoring, the archaeologist may adjust the frequency, from continuous to intermittent, of the monitoring based on the conditions and professional judgment regarding the potential to impact resources, with consideration of the judgement of the Native American-designated monitor.			
Geology, Soils, and Paleontological Resources				
4.8-7	<p>Unanticipated Fossil Discovery</p> <p>Prior to any ground disturbing activities, the Project owner shall develop and implement a Paleontological Worker Education and Awareness Program. If paleontological resources are discovered during ground-disturbing activities (e.g., during Project construction or decommissioning), all earthwork or other types of ground disturbance within 50 feet of the find shall stop immediately until a qualified professional paleontologist (meeting the standards of the Society of Vertebrate Paleontology [SVP]) can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The paleontologist may also propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. If treatment and salvage is required, recommendations will be consistent with the standards of the Society of Vertebrate Paleontology that are current as of the discovery and with</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to ground-disturbing activities.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	currently-accepted scientific practice. For example, as of the publication of the Draft EIR for the Luna Valley Solar Project, the current standards of the Society of Vertebrate Paleontology are set forth in the SVP's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, as prepared by the SVP's Impact Mitigation Guidelines Revision Committee. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds.			
Hydrology and Water Quality				
4.11-2	Determine Future Water Supply Availability Prior to decommissioning activities, the Project owner shall identify and provide an analysis to the County of the water supply source proposed for use during	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to decommissioning activities.
Hydrology and Water Quality (cont.)				
4.11-2 (cont.)	decommissioning activities and demonstrate that if water for decommissioning is to be from on-site wells, the use of that water will not impede sustainable groundwater management of the basin. If water in the basin is not sufficient to supply the approximately 300 Ac-ft needed for decommissioning, the Project owner shall truck in water from a source that has sufficient capacity to serve the Project and other water users that depend on that supply.			
Noise and Acoustics				
4.14-1a	Noise Reduction for Construction Activities Prior to issuance of construction permits for the proposed project, the Project Applicant shall submit to the County for approval a Construction Noise Reduction Plan to be implemented by all contractors as a condition of contract. Contents of the Plan should include at a minimum: <ul style="list-style-type: none">• Maintain all construction tools and equipment in good operating order according to manufacturers' specifications;• Limit use of major excavating and earth-moving machinery to daytime hours;	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to issuance of construction permits.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

EXHIBIT 5 PAGE 11

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	<ul style="list-style-type: none"> Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks; For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible; Limit possible evening and nighttime shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment; and Utilize a Complaint Resolution Procedure to address any noise complaints received from residents. 			
Noise and Acoustics (cont.)				
4.14-1b	<p>Noise Reduction for Substation Operation and Operation of Invertors</p> <p>Within three months after commencement of operations of the substation facility, the Project owner shall provide to the County evidence demonstrating that operation of the substation transformer will not increase existing nighttime noise levels by more than 5 dBA at the nearest noise sensitive land use compared to levels without operation of the equipment. Meeting this standard may be achieved proactively through equipment selection and incorporation of design measures (if applicable) or, if measurement of operational noise indicates an exceedance, through implementation of shielding techniques. Design measures may include the selection of quieter units and/or use of enclosures or otherwise configuring the units in a location that provides an acoustical barrier.</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Within three months after commencement of operations of the substation facility.
Transportation				
4.18-1	<p>Construction and Decommissioning Traffic Management Plan.</p> <p>Prior to the issuance of construction or building permits and the issuance of decommissioning authorizations, the Project owner and/or its construction contractor shall prepare and submit a Traffic Management Plan to the Fresno</p>	Project owner and/or its designee(s) to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to the issuance of construction or building permits and the issuance of decommissioning authorizations.

**MITIGATION MONITORING AND REPORTING PROGRAM CONDITIONAL USE PERMIT APPLICATION NO. 3671
(INCLUDING CONDITIONS OF APPROVAL AND PROJECT NOTES)**

MITIGATION MEASURE 4.18.1 MODIFIED BY CUP NO. 3786.

EXHIBIT 5 PAGE 12

Mitigation Measure No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Timing
	<p>County Public Works and Planning Department and the California Department of Transportation, District 6, as appropriate, for approval. The Traffic Management Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"> • Temporary Traffic Control (TTC) plan that addresses traffic safety and control through the work zone, including during temporary lane closures (if needed) to accommodate materials delivery, transmission line stringing activities, or any other utility connections; • Identify the timing of deliveries of heavy equipment and building materials; • Requirement for designated construction staff to be assigned as flaggers to direct traffic into and/or through temporary traffic control zones, as needed; • Requirement to place temporary signage, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along 			
Transportation (cont.)				
4.18-1 (cont.)	<p>access routes to indicate the presence of heavy vehicles and construction traffic;</p> <ul style="list-style-type: none"> • Ensure access for emergency vehicles to the Project site; • Access to adjacent properties shall be maintained; • Specify both construction/decommissioning-related vehicle travel and oversize load haul routes, minimizing construction/decommissioning traffic during the a.m. and p.m. peak hour, distributing construction/decommissioning traffic flow across alternative routes to access the Project site, and avoiding residential neighborhoods to the maximum extent feasible. <p>Requirement to obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that would utilize County-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Fresno County Divisions of Public Works and Planning.</p>			

4.	Prior to issuance of any development permits the applicant shall provide to the County evidence of effecting an irrevocable offer of dedication to Caltrans for an additional 5 feet of right-of-way to accommodate the ultimate configuration of State Route 33.
5.	<p>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.</p> <p>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).</p>
6.	During construction, operation and decommissioning, the Project shall utilize any Municipal and Industrial classified surface water available from the Westlands Water District for all non-potable water uses.
7.	The project shall adhere substantially to the procedures listed in the draft Reclamation Plan as submitted to the Planning Commission and prepared for project decommissioning when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final site plan and improvements. The draft reclamation plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning prior to the issuance of any development permits.
8.	The project shall be in substantial compliance with the Integrated Pest Management Plan, dated February 2020, as submitted to the Planning Commission, in order to control vegetation and vertebrate pests, and general animal control on the project site, that may impact adjacent properties.
9.	The County of Fresno shall enter into an agreement with a Consultant to act as a Third-Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's Mitigation Measures and Conditions of Approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant shall enter into an agreement with the County to pay all costs associated with the Consultant costs, Mitigation Monitoring expenses, and cost of County staff time related to implementation of mitigation measures and Conditions of Approvals.
10.	The applicant/project developer shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.
11.	The applicant/project developer shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce.
12.	The applicant/project developer shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.
13.	Prior to the issuance of any development permits, the Applicant shall record a document on the subject property incorporating the provisions of the County "Right-to-Farm" Notice (Fresno County Ordinance Code Section 17.40.100).

Notes (Mandatory Requirements)

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	The Conditional Use Permit will become void unless there has been substantial development within two years of the effective date of this approval.
2.	Prior to initiating construction, the Applicant shall be required to contact Underground Service Alert (811) to allow Westlands Water District staff to locate and mark its facilities prior to commencement of grading or construction activities.
3.	Prior to the issuance of an encroachment permit application submittal, the project proponent is required to schedule a "pre-submittal" meeting with the Caltrans District 6 Encroachment Permit Office.
4.	Any work within the State right-of-way will require an encroachment permit from the California Department of Transportation. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State Highway right-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work within the State right-of-way must be submitted using English units.
5.	The Applicant shall comply with all applicable laws and standards, including, but not limited to, those governing the use, storage, and disposal of hazardous materials; worker training and safe work practices; air quality (such as the San Joaquin Valley Air Pollution Control District's indirect source rule and fugitive dust regulation), water quality (e.g., local design standards for retention or detention basins to manage storm water runoff), and Energy Storage Systems more generally (see Draft EIR Section 4.10, p. 4.10-19). Similarly, site preparation and construction activities would be performed in accordance with a SWPPP, or similar plan that incorporates storm water BMPs to reduce the adverse effects of erosion and sedimentation, and herbicide would be applied by qualified personnel following project label instructions and applicable regulations.
6.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
7.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
8.	A storm water pollution prevention plan (SWPPP) shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.
9.	An engineered grading and drainage plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
10.	Because the proposed project includes land disturbances of more than one acre, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.
11.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII - Fugitive Dust Rules. The Applicant also shall adhere to the District's permitting requirements, which include a District-Issued Dust Control Plan and Authority to Construct (ATC). The Applicant shall consider entering into a voluntary emission reduction agreement (VERA) with the District.

<p>12.</p>	<p>The following project notes relate to improvements of the private drives and parking areas:</p> <ul style="list-style-type: none">• An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction.• The driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division.• If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.• Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater, and the gate shall not swing outward.• A dust palliative shall be required on all parking and circulation areas.• If not already present, a ten (10) foot by ten-foot corner cut-off is required for site distance purposes at any existing or proposed driveway accessing Ohio Avenue, Los Angeles Avenue, Dinuba Avenue and Manning Avenue.• If not already present, a minimum thirty (30) foot by thirty-foot right-of-way corner cut-off is required at the intersection of Manning Avenue and Los Angeles Avenue.• If not already present, a minimum thirty (30) foot by thirty-foot right-of-way corner cut-off is required at the intersection of Manning Avenue and Ohio Avenue.
<p>13.</p>	<p>Any proposed septic system shall adhere to the California Plumbing Code and the Fresno Local Agency Management Program (LAMP).</p>
<p>14.</p>	<p>The project shall comply with the Westlands Water District Backflow Prevention Guidelines.</p>

JS:jp

CUP 3786
April 11, 2024

Planning Commission Staff Report
dated November 18, 2021 and Final
Environmental Impact Report dated
August 21, 2021.

SR: <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/61273-cup-3671-eir-7813-sr-adobe.pdf>

EIR: <https://www.fresnocountyca.gov/eir7813>