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# County of Fresno

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

November 16, 2018

ForeFront Power  
100 Montgomery Street #1400  
San Francisco CA 94104

Dear Applicant:

Subject: Resolution No. 12746 - Initial Study Application No. 7441 and Unclassified  
Conditional Use Permit Application No. 3609

On October 25, 2018, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

If you have any questions regarding the information in this letter please contact me at [dacrider@fresnocountyca.gov](mailto:dacrider@fresnocountyca.gov) or 559-600-9669.

Sincerely,

Danielle Crider, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: October 25, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12746 - INITIAL STUDY APPLICATION NO. 7441 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3609

APPLICANT: ForeFront Power

OWNER: James Anderson

REQUEST: Allow a 5 MWac solar photovoltaic power generation facility on a 39-acre portion of a 79.7-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project is located on West Jayne Avenue, 1.2 miles east of its intersection with State Route 33, and northerly adjacent to the nearest city limits of the City of Coalinga (SUP. DIST. 4) (APN 073-060-12).

### PLANNING COMMISSION ACTION:

At its hearing of October 25, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Vallis and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3609, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Initial Study Application No. 7441  
Unclassified Conditional Use Permit Application No. 3609

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 25, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- Residents and businesses within 10 miles of the proposed operation may subscribe to receive power from the facility and would receive savings on their electricity bills.
  - I met with representatives of the City of Coalinga to discuss the project with them, and they had no concerns.
  - The project will be connected to the public power grid.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7441/Unclassified Conditional Use Permit Application No. 3609**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Exterior lighting from dusk until dawn shall be minimized through the installation of the lowest wattage bulb necessary for safety purposes. All outdoor lighting shall also be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Biological Resources	Species-specific surveys shall be conducted by a qualified biologist and/or botanist no less than 14 days and no more than 30 days prior to the onset of any construction-related activities (including initial construction and decommissioning) for the San Joaquin Kit Fox (SJKF), Blunt-nosed Leopard Lizard (BNLL), Tricolored Blackbird, Nelson's Antelope Squirrel (NAS), Swainson's Hawk (SWHA), Burrowing Owl (BUOW), California Glossy Snake, Northern California Legless Lizard, Blainville's Horned Lizard, Short-nosed Kangaroo Rat (SNKR), San Joaquin Coachwhip, Western Spadefoot, San Joaquin Woollythreads, California Jewelflower, Showy Golden Madia, Pale-yellow Layia, Recurved Larkspur, and Brittlestem. These surveys shall include all areas of proposed ground disturbance and construction activities, any construction staging areas, any area in which equipment will be operated and any additional land used for ingress and egress during construction activities. Additionally, a 500-foot buffer around the defined area will be surveyed for the BUOW, SJKF, NAS, and BNLL; a 50-foot buffer area will be surveyed for the SNKR, California Glossy Snake, Blainville's Horned Lizard, Northern California Legless Lizard, and sensitive plants; and a 0.5-mile buffer around the defined area will be surveyed for SWHA nests and Tricolored Blackbirds. If these buffer areas cannot be maintained, consultation with the California Department of Fish and Wildlife (CDFW) is required to determine how to avoid take.	Applicant	Applicant/PW&P	Prior to construction and decommissioning
3.	Biological Resources	If any species are identified in pre-construction surveys or during construction, operation, or decommissioning activities, the Applicant shall notify CDFW immediately.	Applicant	Applicant/PW&P	Prior to construction through the

		cease all operation in the area, and consult with CDFW on how to minimize any potential impact to protected species.			completion of decommissioning activities
4.	Biological Resources	If BNLL burrows are identified during the pre-construction survey(s), all burrow openings shall be flagged and mapped, and 50-foot no-disturbance buffer zones around all burrow openings shall be maintained for foraging habitat throughout the project.	Applicant	Applicant/PW&P	Prior to construction and decommissioning
5.	Biological Resources	If small mammal burrows suitable for BUOW are identified on the project site or within 250 feet of the project, additional BUOW surveys shall be conducted by a qualified biologist, and BUOW burrows shall be avoided with required buffers according to the "Staff Report on Burrowing Owl Mitigation" (CDFG, 2012).	Applicant	Applicant/PW&P	Prior to construction and decommissioning
6.	Biological Resources	If any construction activities will occur between March 1 and September 15, the project area and a 0.5-mile buffer around the project area must be surveyed by a qualified biologist within 10 days of the onset of construction activities to identify the presence of any Swainson's Hawk nests. If any nests are identified, no construction may take place within 0.5 mile of that nest until the end of breeding season (September 15) or until a qualified biologist determines that the young have fledged and are no longer dependent on the nest or parents for survival, and CDFW has provided written approval of the biologist's determination. If this 0.5-mile buffer cannot be maintained, consultation with CDFW is required.	Applicant	Applicant/PW&P	Prior to construction and decommissioning
7.	Biological Resources	Implement the January 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" for pre-construction survey protocol and avoidance measures, and maintain habitat permeability for SJKF on all perimeter and interior fencing.	Applicant	Applicant/PW&P	Prior to construction and decommissioning
8.	Biological Resources	If construction commences between January 1 and September 15 (bird nesting season) or lapses during this time for 10 or more days, a qualified biologist must survey for active bird nests within 10 days of the onset or resuming of construction activities to ensure that no active bird nests are in the project area that could be impacted by the construction. If nests are present, they must be monitored for the first 24 hours of any project-related activities so as to detect any behavioral changes that result	Applicant	Applicant/PW&P	Prior to construction and decommissioning

		from project impacts. If behavioral changes are observed, work that is causing this change shall cease, and the Applicant shall consult with the California Department of Fish and Wildlife (CDFW) for additional avoidance and minimization measures. In lieu of monitoring, the Applicant may choose to implement 250-foot no-disturbance buffers around active nests of non-listed, non-raptor bird species until the breeding season is over or a qualified biologist has determined that the birds have fledged and are no longer dependent upon the nest or parental care for survival. Variance from these buffer zones may be granted on a case by case basis, but this decision must be supported by a qualified biologist and CDFW must be notified of this determination prior to construction activities that would otherwise require a no-disturbance buffer.			
9.	Biological Resources	All vertical pipes associated with solar mounts and fencing must be capped immediately upon installation to avoid bird death or injury.	Applicant	Applicant/PW&P	Construction and decommissioning
10.	Biological Resources	If special-status plant species are found, a no-disturbance buffer of at least 50 feet shall be implemented and delineated using flags, stakes, or other highly-visible materials, and it shall be maintained for the duration of the project. If this is not feasible, alternative mitigation shall be agreed upon by the Applicant and CDFW.	Applicant	Applicant/PW&P	Prior to construction and decommissioning
11.	Biological Resources	No rodenticides, pesticides, or herbicides shall be used during construction, maintenance, or decommissioning of the proposed project.	Applicant	Applicant/PW&P	Lifetime of the Project
12.	Biological Resources	The Applicant shall consult with CDFW on the use of biodegradable panel cleaning solution on the project site prior to use so that they may determine if an Incidental Take Permit (ITP) could be warranted.	Applicant	Applicant/PW&P	Prior to the use of biodegradable panel cleaning solutions
13.	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	Applicant	Applicant/PW&P	During ground-disturbing activities

		Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.			
14.	Hydrology and Water Quality	Delineate all surface water features, streams, and associated floodplains and vegetation within 500 feet of the project impact area. No construction may encroach within this area without first obtaining a Lake and Streambed Alteration Agreement (LSA) from the California Department of Fish and Wildlife (CDFW).	Applicant	Applicant/PW&P	Prior to construction and decommissioning

**Conditions of Approval**

1. Development of the property shall be in accordance with the Site Plan, Elevation, and Operational Statement approved by the Commission.
2. A Site Plan Review (SPR) 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 prior to the issuance of Building Permits. The SPR shall be applicable to those portions of the project site(s) to be improved with substations, inverters, perimeter access roads, parking, and driveway access, excluding the solar panel fields. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.
3. The land owner shall enter into an agreement with the County of Fresno to irrevocably offer the southernmost 33 feet of the subject parcel for future right-of-way expansion.
4. This land use permit will expire after the proposed use has been in operation for 35 years or after the use has ceased for two years. If the solar lease is extended beyond 35 years, a new land use permit will be required for continued operation.
5. The project shall comply with the Solar Facility Guidelines (Exhibit 7 of the Staff Report), as approved.
6. The Reclamation Plan shall be subject to an annual 3% increase, or tied to the Consumer Price Index (CPI), or another mechanism acceptable to the Fresno County Department of Public Works and Planning. Additionally, the applicant shall enter into a Reclamation Agreement with the County of Fresno.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required 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. Any proposed driveway should 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 right-of-way shall be concrete or asphalt. Additionally, a dust palliative shall be required on all parking and circulation areas.
  2. An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way (drive approach from Jayne Ave).



3.	The final project plans must be submitted to and approved by the Fresno County Fire Protection District (FCFPD) prior to the acquisition of building permits.
4.	Any gate that provides initial access (from Jayne Avenue) to this site shall be set back from the ultimate road right-of-way a minimum of 20 feet or the length of the longest vehicle that will be entering the site, whichever is greater.
5.	All proposed signs must be reviewed by the Department of Public Works and Planning permit counter to verify compliance with the Zoning Ordinance. Off-site advertising for commercial uses is prohibited in the AE (Exclusive Agricultural) Zone District.
6.	If not already present, 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at the exiting driveway onto Jayne Avenue.
7.	DOGGR (Department of Conservation's Division of Oil, Gas, and Geothermal Resources) recommends that the abandoned oil well be re-abandoned to current standards to minimize the probability of it leaking oil, gas, and/or water in the future. DOGGR has the authority to order the re-abandonment of any well that is hazardous or that poses a danger to life, health, or natural resources. If this occurs, the property owner is responsible for these re-abandonment costs. Additionally, if any unknown wells or soil containing significant amounts of hydrocarbons are discovered during development, DOGGR and all other appropriate authorities shall be notified immediately.
8.	During construction, a transportation permit from the Road Maintenance and Operations Division may be required for oversized loads or particularly heavy haul loads.
9.	Any runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
10.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
11.	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.