



County of Fresno

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

November 29, 2018

ForeFront Power
c/o Peter Rodriguez
100 Montgomery Street #1400
San Francisco CA 94104

Dear Applicant:

Subject: Resolution No. 12744 - Initial Study Application No. 7442 and Unclassified
Conditional Use Permit Application No. 3610

On October 11, 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 eahmad@fresnocountyca.gov or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: October 11, 2018
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12744 - INITIAL STUDY APPLICATION NO. 7442 and
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3610

APPLICANT: ForeFront Power

OWNER: James Anderson

REQUEST: Allow a one-megawatt photovoltaic solar power generation facility with related improvements on an approximately 11.5-acre portion of a 53.81-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northwest corner of Phelps Avenue and S. San Mateo Avenue approximately 875 feet east of the nearest city limits of the City of Coalinga (SUP. DIST. 4) (APN 070-070-62S).

PLANNING COMMISSION ACTION:

At its hearing of October 11, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Eubanks and seconded by Commissioner Burgess 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. 3610, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7442
Unclassified Conditional Use Permit Application No. 3610

Staff: The Fresno County Planning Commission considered the Staff Report dated October 11, 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:

- Our project is part of a community solar program; we build photovoltaic solar facilities five megawatts or less in size to serve homes and businesses within a 10-mile radius.
- The program provides power to homes and businesses unable to afford rooftop or in-ground solar systems at a reduced rate.
- The proposed solar facility is separate from the existing on-site solar facility that provides power to the surrounding agricultural uses.
- As part of public outreach, we sent letters to the neighboring property owners providing information about the project; no responses were received.
- We consulted with the City of Coalinga; the City had no objection to the project.

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. 7442/Unclassified Conditional Use Permit Application No. 3610
(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/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Agricultural and Forestry Resources	The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).	Applicant	Applicant/PW&P	As long as the project lasts
3.	Agricultural and Forestry Resources	A covenant shall be signed between the property owner and the County of Fresno and shall run with the land, requiring the site to be restored as nearly as practical to its original condition at the cessation of the operation of the solar power generation facility.	Applicant	Applicant/PW&P	As long as the project lasts
4.	Agricultural and Forestry Resources	The project shall comply with the Pest Management Plan, prepared by ForeFront Power, LLC and dated January 31, 2018, in order to control weeds and rodents on the property that may impact adjacent properties.	Applicant	Applicant/PW&P/ Ag Commissioner's office	As long as the project lasts
5.	Biological Resources	A 14-day preconstruction site survey shall be conducted to prevent inadvertent take of burrowing owls. If burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.	Applicant	Applicant/California Department of Fish & Wildlife (CDFW)	As noted
6.	Biological Resources	A 30-day preconstruction site survey shall be conducted to determine the presence of San Joaquin kit fox on the property. The Survey must be conducted on foot within prescribed parameters as outlined by January 2011 Standardized	Applicant	Applicant/CDFW	As noted

		Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance. Any take that could occur because of the proposed project would require prior consultation with the U.S. Fish and Wildlife Service under Section 7 or Section 10 of the Endangered Species Act of 1973.			
7.	Biological Resources	A preconstruction site survey shall be conducted to determine the presence of blunt-nosed leopard lizard (BNLL) on the property. The Surveys must be conducted on foot within prescribed temperature and weather as outlined by the California Department of Fish and Game May 2004 updated version of the BNLL survey protocol. Any take that could occur because of the proposed project would require prior consultation with the U.S. Fish and Wildlife Service under Section 7 or Section 10 of the Endangered Species Act of 1973.	Applicant	Applicant/CDFW	As noted
8.	Biological Resources	Ground disturbances shall not occur during bird nesting season (between February and August) without a clearance survey by a qualified biologist to ensure that nesting birds are not impacted.	Applicant	Applicant/CDFW	As noted
9.	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	As noted
Conditions of Approval					
1.		Development of the property shall be in accordance with the Site Plan, Elevation and Operational Statement approved by the Planning Commission, except as modified by the Commission or Site Plan Review.			
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 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 life of this land use permit will expire upon expiration of the 25-year initial life of the project. If the solar lease is to be extended or the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained.			

4.	The project shall comply with the information in response to the Solar Facility Guidelines attached as Exhibit 7 to the Staff Report and as approved and/or modified by the Commission.
5.	The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Fresno County Department of Public Works and Planning.
6.	As part of the SPR submittal process, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, acknowledging the presence of surrounding agricultural operations and their related activities.
7.	A dust palliative shall be required for all unpaved parking and circulation areas to prevent the creation of dust by vehicles.

*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.	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 and Building Permits and inspections shall be required for all on-site improvements, including solar array installation and fences over six feet in height. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 regarding permits for construction.
3.	To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan shall be required to show how additional storm water run-off generated by the 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.

Notes	
	<ul style="list-style-type: none"> Federal Emergency Management Authority (FEMA) FIRM Panel 3214H shows that portions of the subject parcel are in Zone A that is subject to the 100-year storm. No net import of fill shall be allowed within the flood zone, and any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.
5.	<p>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:</p> <ul style="list-style-type: none"> District Regulation VIII (Fugitive PM10 Prohibitions) Rule 4601 (Architectural Coatings) Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials
6.	<p>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:</p> <ul style="list-style-type: none"> If only the driveway is to be paved, the first 100 feet off the edge of the ultimate right-of-way shall be concrete or asphalt. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements will be addressed through Site Plan Review.</p>
7.	<p>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.</p>
8.	<p>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.</p>