



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 June 8, 2017

**SUBJECT:** Initial Study No. 6619 and Unclassified Conditional Use Permit No. 3389 – Third Time Extension

Grant a third one-year time extension to exercise Unclassified Conditional Use Permit No. 3389 which authorizes a four-megawatt photovoltaic solar power generation facility with related improvements, including two 153 square-foot switchgear apparatus, a 40-foot-tall electrical utility pole, eight inverters ranging from 21 to 23 square feet in size, and a six-foot-tall chain-link fence on an approximately 20.82-acre portion of a 68.28-acre parcel in the M-3(c) (Heavy Industrial, Conditional) Zone District.

**LOCATION:** The project site is located approximately 440 feet south of the intersection of Auberry and Frazier Roads in the unincorporated community of Auberry (32180 Auberry Road, Auberry) (Sup. Dist. 5) (APN 128-450-58).

**OWNER:** Dia and Kirk Ringgold  
**APPLICANT:** Kevin Chen

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Approve a third one-year Time Extension for Unclassified Conditional Use Permit No. 3389; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated April 25, 2013
5. Applicant's letter requesting the third one-year time extension

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration prepared for Initial Study Application No. 6619 was approved by the Planning Commission on April 25, 2013 in accordance with the California Environmental Quality Act (CEQA) with approval of Unclassified Conditional Use Permit No. 3389.

Section 15162(b) of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

**PUBLIC NOTICE:**

Notices were sent to 69 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

The Fresno County Zoning Ordinance requires that a Conditional Use Permit (CUP) shall become void when substantial development has not occurred within two years after approval of the permit. However, when circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Planning Commission may grant a one-year time extension as provided by the ordinance.

**BACKGROUND INFORMATION:**

Unclassified Conditional Use Permit No. 3389 was approved by the Planning Commission on April 25, 2013. The first one-year time extension was granted on April 30, 2015 and the second time extension was granted on June 30, 2016. The current and the third extension request was filed on April 19, 2017. If the time extension is granted, the Applicant will have an additional year to achieve substantial development of the subject photovoltaic solar power generation facility.

## **ANALYSIS/DISCUSSION:**

Unclassified CUP No. 3389 was originally approved on April 25, 2013 concurrently with Initial Study No. 6619 based on a determination that the required findings could be made. Attached is a copy of the Planning Commission's Resolution and Staff Report (Exhibit 4) documenting Conditions imposed on the project.

It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved. According to the Applicant's letter dated April 12, 2017 (Exhibit 5), construction of the project has not been started and additional time is needed due to undertaking the process of enrolling the project into the PG&E Regional Renewable Choice program launched in Spring 2017. The subject Time Extension will allow the Applicant until April 25, 2018 to begin substantial development of the project.

The current Time Extension was routed to the same agencies that reviewed the project in October of 2012. None of those agencies identified any change in circumstances or the need for additional conditions, and did not express any concerns with the proposed extension of time.

## **PUBLIC COMMENT:**

None

## **CONCLUSION:**

Staff believes the third one-year time extension for CUP No. 3389 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to April 25, 2018.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to approve the third one-year time extension for Unclassified Conditional Use Permit No. 3389; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

### **Alternative Motion** (Denial Action)

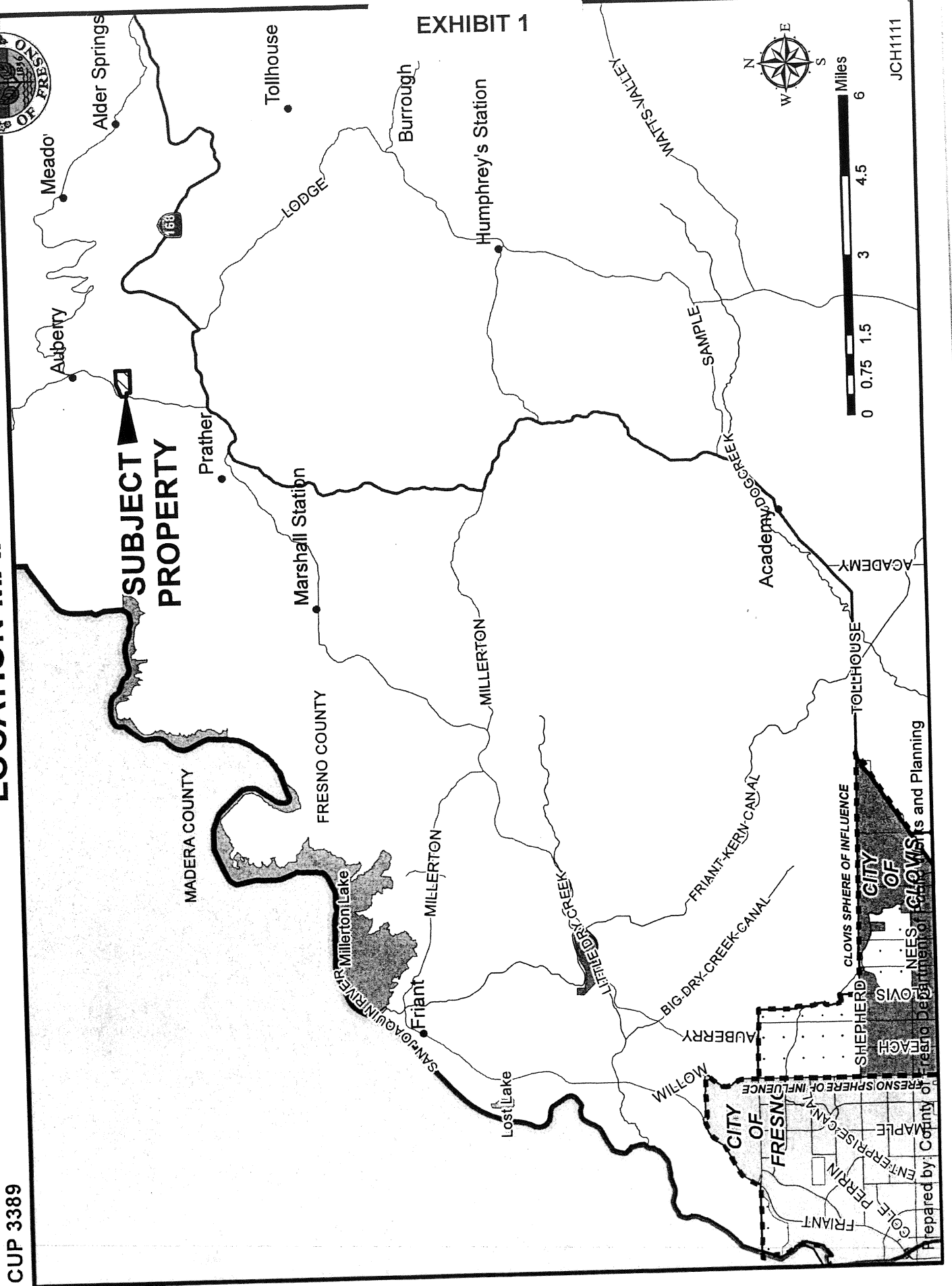
- Move to deny the third one-year time extension request for Unclassified Conditional Use Permit No. 3389 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EA:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3300-3399\3389\EXT 3\SR\CUP3389 Ext 3 SR.docx



# LOCATION MAP

## EXHIBIT 1



CUP 3389

JCH1111

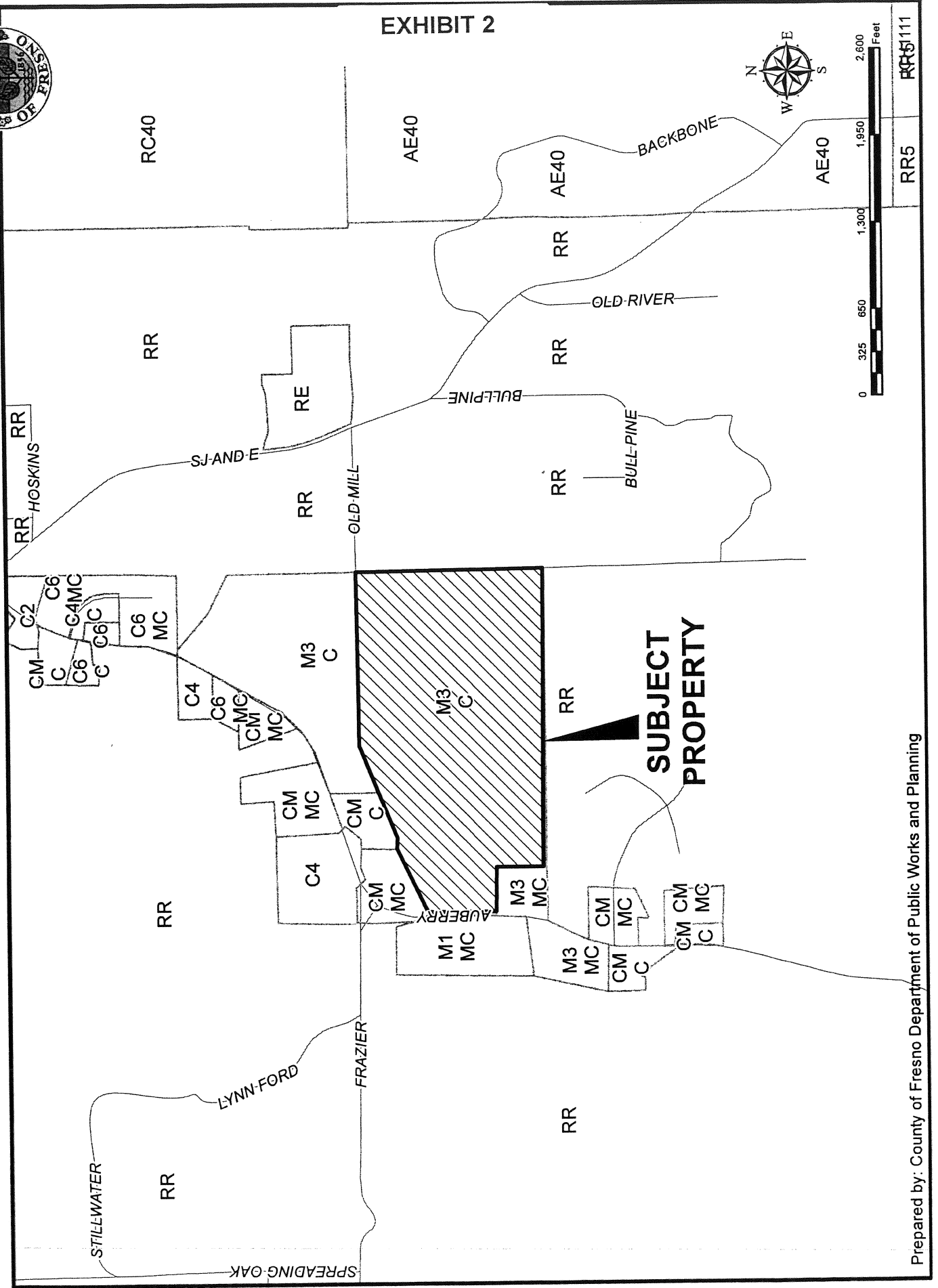
Prepared by: County of Fresno Department of Public Works and Planning

CUP 3389  
STR 17 - 10/23

# EXISTING ZONING MAP



## EXHIBIT 2





# EXISTING LAND USE MAP

CUP 3389

## EXHIBIT 3

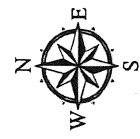
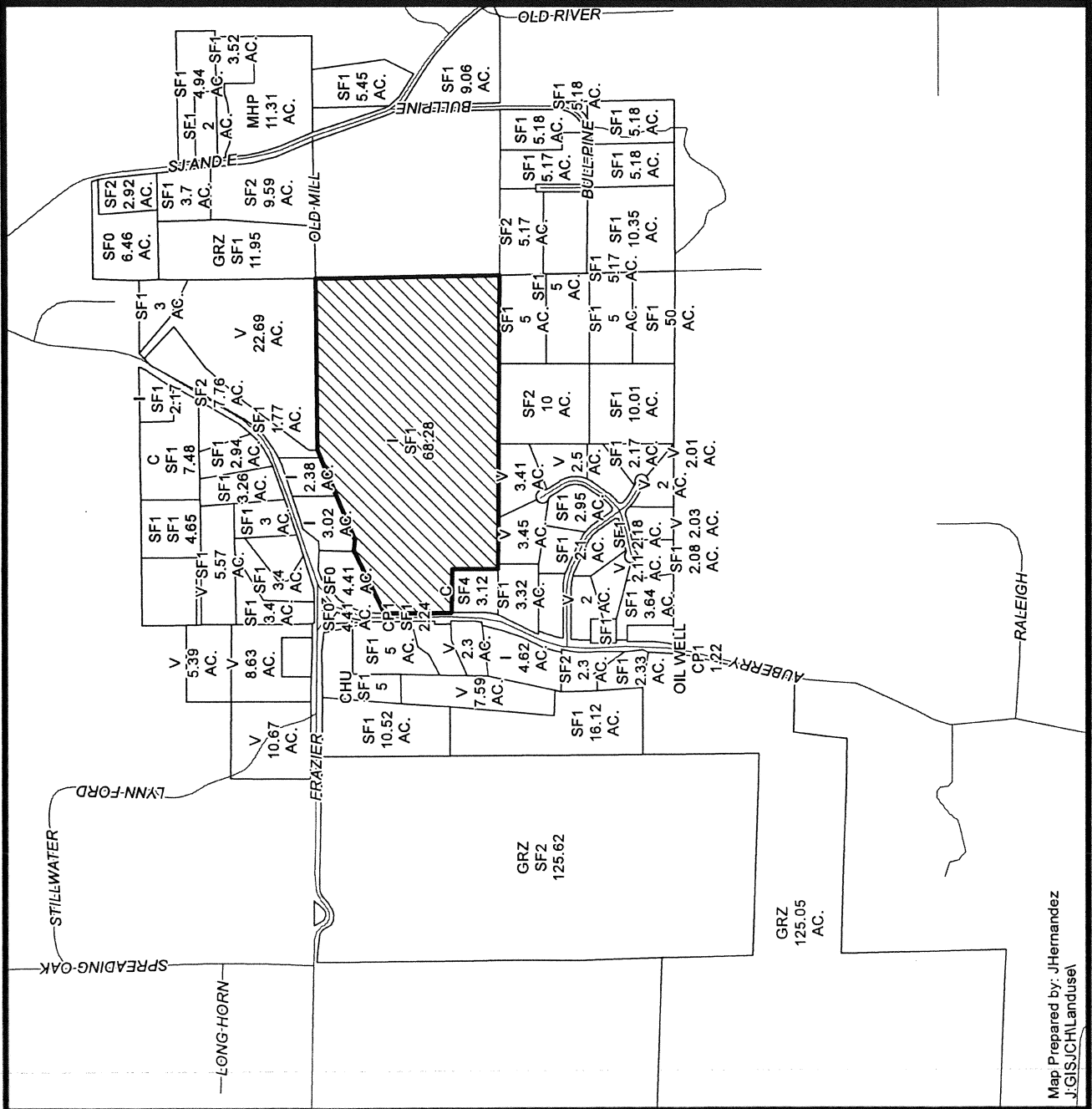
### LEGEND

- C - COMMERCIAL
- CHU - CHURCH
- CP# - OFFICE COMM/PROF
- GRZ - GRAZING
- I - INDUSTRIAL
- MHP - MOBILE HOME PARK
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT

### LEGEND:



Subject Property



Department of Public Works and Planning  
Development Services Division

Map Prepared by: JHernandez  
J-GIS/JCH/Landuse



## EXHIBIT 4

# Inter Office Memo

---

DATE: April 25, 2013

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12363 - INITIAL STUDY APPLICATION NO. 6619  
AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION  
NO. 3389

APPLICANT: SH3 Solar, LLC

OWNER: Kirk and Dia Ringgold

REQUEST: Allow a four megawatt photovoltaic solar power generation facility with related improvements, including two 153 square-foot switchgear apparatus, a 40-foot tall electrical utility pole, eight inverters ranging from 21 to 23 square feet in size, and a six-foot tall chain-link fence on an approximately 20.82-acre portion of a 68.28-acre parcel in the M-3 (c) (Heavy Industrial, conditional) Zone District.

LOCATION: The project is located approximately 440 feet south of the intersection of Auberry and Frazier Roads in the unincorporated community of Auberry (32180 Auberry Road, Auberry) (SUP. DIST.: 5) (APN: 128-450-58).

### PLANNING COMMISSION ACTION:

At its hearing of April 25, 2013, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Mendes and seconded by Commissioner Ferguson to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Unclassified Conditional Use Permit Application No. 3389, subject to the Conditions listed in Exhibit "B" (Mitigation Monitoring and Reporting Program) with an additional condition modifying ambiguous language in the reclamation plan removing wording that states "it is assumed" under J.2 Reclamation Schedule.





EXHIBIT "A"

Initial Study Application No. 6619  
Unclassified Conditional Use Permit Application No. 3389

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 25, 2013, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The project site is ideal for the proposed development.
  - The solar panels will maintain certain angle to allow the snow to slide off the panels.
  - We have our own team to manage project operations; our Merced office will maintain the property.
- Others: No 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.

EA:  
G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3300-3399\3389\Resolution\_CUP 3389.doc

**Exhibit - B**  
**Mitigation Monitoring and Reporting Program**  
**Initial Study (IS) No. 6619 / Unclassified Conditional Use Permit (CUP) No. 3389**  
**(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 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)	Ongoing; until 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 engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit) and 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 operation.	Applicant	PW&P	Ongoing; until the project lasts
*3.	Agricultural and Forestry Resources	Prior to the issuance of any permits, a Pest Management Plan shall be submitted to the Department of Public Works and Planning and approved by the Fresno County Agricultural Commissioner's Office. The Pest Management Plan shall identify methods and frequency to manage weeds, insects, and disease and vertebrate pests that may impact adjacent properties	Applicant	PW&P/Agriculture Commissioner's Office (ACO)	Ongoing; until the project lasts
*4.	Agricultural and Forestry Resources	The applicant shall acknowledge the need to manage weeds and rodents so as not to become a nuisance which will cause economic and cultural hardship to adjacent properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Sections 370 to 372 of the Penal Code); and that the maintenance of such public nuisance is unlawful under California Food and Agricultural	Applicant	Applicant/PW&P/ ACO	Ongoing; until the project lasts

	Code Section 5553 and Penal Code Section 372.	Applicant	Applicant/ PW&P/ California Department of Fish and Wildlife (CDFW)	As noted
*5.	Biological Resources  If feasible and to the maximum extent possible, the three ponds located adjacent to the project site within the 68.28-acre as well as Little Sandy Creek which traverses the northern boundary of the project site, shall be avoided by at least 250 feet as measured from the top of each bank to protect western pond turtles and their nests. . The 250-foot buffer shall be a no-disturbance buffer and should be clearly delineated on the ground with stakes, flagging, etc., prior to starting construction/ decommissioning activities and maintained until all construction/ decommissioning activities have been completed.	Applicant	Applicant/ PW&P/ California Department of Fish and Wildlife (CDFW)	As noted
*6.	Biological Resources  If complete avoidance of this 250 foot buffer is not feasible, a qualified biologist shall conduct intensive visual surveys to detect western pond turtles or their nests no more than 14 days prior to starting construction/decommissioning. Additional survey shall be completed if construction/decommissioning activities cease for 30 days or more.	Applicant	Applicant/ PW&P/ CDFW	As noted
*7.	Biological Resources  Should pond turtles be found, these turtles will be relocated by the qualified biologist to the nearest suitable aquatic habitat. Should turtle nests be found these nests shall be avoided with a 50 foot no-disturbance buffer until it has been determined that the eggs have hatched and the juvenile turtles have left the nest site.	Applicant	Applicant/CDFW	As noted
*8.	Biological Resources  All special-status plant species and /or their habitats shall be avoided by at least 50 feet. The 50-foot no-disturbance buffer should be clearly delineated on the ground with stakes, flagging, etc. during construction, operation and decommissioning activities.	Applicant	Applicant/CDFW	As noted
*9.	Biological Resources  The California Department of Fish and Wildlife (DFW) shall be consulted to determine if an Incidental Take Permit (ITP) is warranted if listed plant species cannot be avoided by 50 feet.	Applicant	Applicant/CDFW	As noted
*10.	Biological Resources  Construction/decommissioning activities shall be prohibited during the normal bird breeding season defined as January 1 through September 15, when feasible.	Applicant	Applicant/CDFW	As noted
*11.	Biological Resources  A qualified biologist shall conduct intensive visual surveys to detect active bird nests no more than 14 days prior to starting	Applicant	Applicant/ PW&P/ CDFW	As noted

		construction/decommissioning activities if these activities must occur between January 1 and September 15. Additional survey shall be completed if construction/decommissioning activities cease for 30 days or more.				
*12.	Biological Resources	Active nests birds shall be protected with a no-disturbance buffer of at least 2,640 feet for listed bird species, 500 feet for non-listed raptor species, and 250 feet for non-listed, non-raptor species. The no-disturbance buffers should be clearly delineated on the ground with stakes, flagging, etc. until after the breeding season has ended or the young have fledged and no longer dependent on the nests or the parents for survival as determined by a qualified biologist and with written consent from the California Department of Fish and Wildlife (DFW) for listed species.	Applicant	Applicant/CDFW	As noted	
*13.	Biological Resources	The California Department of Fish and Wildlife (DFW) shall be consulted to determine if an Incidental Take Permit (ITP) is warranted if active listed bird nests cannot be avoided by 2,640 feet during the breeding season.	Applicant	Applicant/CDFW / United States Fish and Wildlife Service (USFWS)	As noted	
*14.	Biological Resources	To prevent bird death and injury, all vertical pipes associated with the solar mounts and fencing poles as they are installed shall be capped.	Applicant	Applicant/CDFW	As noted	
*15.	Biological Resources	Use of pesticide within all non-disturbance buffers shall be prohibited.		Applicant/CDFW		
*16.	Biological Resources	Use of rodenticides that may impact non-target species and/or reduce prey sources for existing wildlife shall be prohibited. Rodents should be removed using live traps instead of rodenticides.		Applicant/CDFW		
*17.	Biological Resources	If trenching and line connection to the existing pole will result in removal of trees/shrubs/grasses within riparian corridor or roots cut that could impact the survivorship of the trees/shrubs, a Lake and Streambed Alteration Agreement (LSAA) Notification shall be submitted to the California Department of Fish and Wildlife to mitigate such impacts through LSAA.		Applicant/CDFW		

	Cultural Resources	In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
<b>Conditions of Approval</b>					
*18.					
1.		Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.			
2.		The life of this land use permit will expire upon expiration of the initial life of the solar lease or the 30-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.			
3.		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. 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.			
4.		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.			
5.		Prior to issuance of a building permit, a covenant running with the land between the County and the property owner shall be recorded requiring that construction of a six foot high solid masonry wall along the easterly property line of the subject property shall be deferred until such time as deemed appropriate by the County. The Department of Public Works and Planning will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.			
6.		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 Department of Public Work's and Planning.			
7.		Access to the project site shall be provided to the County through an access easement or other mechanism acceptable to the Department of Public Works and Planning to ensure that legal access to the site is available in the event that reclamation activities must be initiated by the County.			
8.		The project shall comply with the information in response to Solar Facility Guidelines attached as Exhibit 8 to the Staff Report, and as approved and/or modified by the Commission.			
9.		The wording that states "it is assumed" under J.2 Reclamation Schedule of the Reclamation Plan shall be removed.			

**Notes**

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

1.	Construction Plans shall be submitted and Building Permits shall be obtained for all improvements on the project site. Construction Plans must be prepared by a licensed Design professional. Building Permits are also required for fences more than six feet in height. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 regarding permits for construction.
2.	Any additional storm water run-off generated by the project cannot be drained across property lines or into County right-of-way, and must be retained on-site, per the County Standards.
3.	An Engineered Grading and Drainage Plan is 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 is required for any grading proposed with this application.
4.	Any wells that exist or that have been abandoned within the project area, not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor. Contact the Water Surveillance Program at (559) 600-3047 for more information.
5.	Any septic systems that exist or have been abandoned within the project area, not intended for use by the project, shall be properly destroyed under permit and inspection by the Department of Public Works and Planning, Development Services Division.
6.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information. Prior to occupancy, the applicant shall complete and submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 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.	Should a water well be drilled, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Public Health Department, Environmental Health Division. Contact the Water Surveillance Program at (559) 600-3047 for more information
9.	Should an on-site office be proposed on the property, the operator shall at all times provide an approved water source for plumbing fixtures which is deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division, and the Fresno County Department of Public Works and Planning.

**Notes**

10	<p>The project shall conform to the Fresno County Noise Ordinance related to construction noise limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.</p>
11.	<p>According to the San Joaquin Valley Air Pollution Control District (Air District), the project must comply with all mitigation measures identified in the Monitoring and Reporting Schedule for the approved Indirect Source Review (ISR).</p> <p>According to the Regional Water Quality Control Board, construction activities disturbing more than an acre must obtain coverage under State Board's Construction General Permit Order 2009-0009-DWQ. Wash water shall be kept on site. Wash water containing cleaner waste (e.g., detergents) shall be captured and disposed of at a permitted facility.</p>
12.	<p>According to the Road maintenance and Operations Division:</p> <ul style="list-style-type: none"> <li>• Any gates provided off Auberry Road shall be set back a minimum of 20 feet from the right-of-way line or such greater in order to preclude any truck from extending into the right-of-way if temporarily stopped to open any gate.</li> <li>• Sediment track-out from vehicles onto Auberry Road should be limited by constructing a paved minimum 35 foot wide drive approach for the site that extends a minimum of 100' into the site beyond the right-of-way line.</li> <li>• No access shall be provided to the development from Old Mill Road.</li> <li>• A 10'x10' corner cutoff shall be provided for any gate to promote site visibility onto Auberry Road.</li> <li>• An Encroachment Permit shall be required for all improvements within the County right-of-way for Auberry Road.</li> <li>• The applicant shall provide Site Access Plans pursuant to County of Fresno Improvement standards to Road Maintenance and Operation staff for review and approval.</li> </ul>
13.	<p>Fresno County Fire Protection District: The project shall comply with the 2007 California Code of Regulations Title 24 – Fire Code. After county approval of the project and prior to issuance of building permit, copies of approved Site Plans shall be submitted to the District's office to receive District's Condition of Approval for the project</p>
14.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy granted to the use. The project shall comply with CalFire regulations related to Standard vegetation clearance.</p>
15.	<p>According to the San Joaquin Valley Air Pollution Control, District (Air District), the project must comply with all mitigation measures identified in the Monitoring and Reporting Schedule for the approved Indirect Source Review (ISR) as well as adhere to the Air District rules: Regulation VIII – Fugitive Dust Rules, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and an Authority to Construct (ATC).</p>



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

## Planning Commission Staff Report Agenda Item No. 2 April 25, 2013

**SUBJECT:** Initial Study Application No. 6619  
Unclassified Conditional Use Permit Application No. 3389

Allow a four megawatt photovoltaic solar power generation facility with related improvements, including two 153 square-foot switchgear apparatus, a 40-foot tall electrical utility pole, eight inverters ranging from 21 to 23 square feet in size, and a six-foot tall chain-link fence on an approximately 20.82-acre portion of a 68.28-acre parcel in the M-3 (c) (Heavy Industrial, conditional) Zone District.

**LOCATION:** The project is located approximately 440 feet south of the intersection of Auberry and Frazier Roads in the unincorporated community of Auberry (32180 Auberry Road, Auberry) (SUP. DIST.: 5) (APN: 128-450-58).

**Applicant:** SH3 Solar, LLC  
**Owner:** Kirk and Dia Ringgold

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6619; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3389 with recommended Findings and Conditions; and



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

**IMPACTS ON JOB CREATION:**

The Commission's action will have a limited effect on job creation. Short-term jobs associated with construction activity could occur as the result of this proposal.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Elevations
7. Applicant's Submitted Operational Statement
8. Applicant's Submitted Information in Response to Solar Facility Guidelines
9. Summary of Initial Study Application No. 6619

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

Criteria	Existing	Proposed
General Plan Designation	Mountain Urban in the Sierra-North Regional Plan	N/A
Zoning	M-3 ( c) (Heavy Industrial, conditional)	N/A
Parcel Size	68.28 acres	N/A
Project Site	7.7 megawatt power generation facility with related improvements	A four (4) megawatt photovoltaic (PV) solar power generation facility with supportive appurtenance structures on an approximately 20.82-acre portion of a 68.28-acre parcel
Structural Improvements	7.7 megawatt power generation facility with related improvements	Ground-mounted PV panels, eight inverters ranging from 21 to 23 square feet in size, two 153

Criteria	Existing	Proposed
		square-foot switchgear apparatus, and a six-foot tall chain-link perimeter fence
Nearest Residence	192 feet south of the property	No change
Surrounding Development	Commercial and industrial uses to the north and west; and single family residences, miscellaneous non-residential structures, and a public utility service center to the east and south	No change
Operational Features	N/A	See "Project Site" above
Employees	N/A	None
Customers	N/A	None
Traffic Trips	N/A	An average of four (4) to seven (7) construction vehicle trips per day during 16 weeks construction of the facility  One trip per quarter by a worker for maintenance and panel washing during operation of the facility
Lighting	N/A	Motion-activated outdoor security lighting for security purposes
Hours of Operation	N/A	24 hours a day, seven days a week, 365 days a year

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: March 22, 2013.

**PUBLIC NOTICE:**

Notices were sent to 62 property owners within 1,320 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance. An additional three notices were sent to interested parties requesting notification of this project.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit (CUP) Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a CUP Application is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The project site is zoned industrial and a portion of it developed with a waste wood-fired 7.7-megawatt power production facility and related improvements. The site has also been utilized for log and lumber storage incidental to a sawmill operation between 1950 and 1994. According to the county records, Conditional Use Permit No. 2136 for the existing power production facility was approved on March 28, 1985.

The proposed solar facility will utilize photovoltaic (PV) modules with a capacity of generating up to four (4) megawatts alternating current (MW-AC) and be located on an approximately 20.82-acre easterly portion of 68.28-acre subject property. The project will be constructed in two phases. Phase 1 (RGA1) will consist of two (2) MW-AC on an approximately 10.38 acres, and Phase 2 (RGA 2) will consist of two (2) MW-AC on an approximately 10.44 acres. The project would construct a series of PV module arrays mounted on fixed-tilt racking systems with an overall height up to 7.4 feet. PV modules will convert sunlight into electrical energy, which will be delivered to PG&E's existing regional transmission network with voltage transmission equipment and system safety equipment constructed on the site.

Support facilities to be constructed on the property include two 153 square-foot switchgear apparatus, a 40-foot tall electrical utility pole, eight inverters ranging from 21 to 23 square feet in size, and a six-foot tall chain-link fence. The facility (including Phase 1 and Phase 2) will connect to two existing power poles with 12-21 kilowatt distribution lines and are located on the property and within the Auberry Road right-of-way.

**ANALYSIS/DISCUSSION:**

*Finding 1: 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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: None (15	Front (west property line	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	feet if property abuts a residential district) Sides: None (15 feet if property abuts a residential district) Rear: None (15 feet if property abuts a residential district)	abutting Auberry Road): 1,690 feet Side (north property line abutting industrial and commercial zoned properties): 65 feet Side (south property line abutting residential zoned properties): 77 feet Rear (east property line abutting residential zoned properties): 65 feet	
Parking	One parking space for each two permanent employees, one for each company owned truck	No employees, no company owned truck	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement	N/A	N/A
Wall Requirements	Six foot high wall between an industrial and residential zone properties	Six foot high solid masonry wall required along the easterly property line	Construction of wall will be deferred with the recordation of a covenant
Septic Replacement Area	100 percent	None required	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	None required	N/A

**Reviewing Agency/Department Comments regarding Site Adequacy:**

Zoning Section, Development Services Division: The proposed improvements meet the setback requirements of the M-3 (Heavy Industrial) Zone District. Completion of a Site Plan Review (SPR) is recommended to ensure adequate setbacks and adequate area for parking and circulation.

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

**Analysis:**

Staff review of the Site Plan demonstrates that the proposed improvements satisfy the minimum building setback requirements of the M-3 (Heavy Industrial) Zone District. The proposed solar panels will be set back approximately 1,690 feet from the westerly property line abutting Auberry Road (none required), 65 feet from the northerly property line (none required), 77 feet from the southerly property line (15 feet required) and 65 feet from the easterly property line (15 feet required).

Based on the above information and with adherence to a Site Plan Review which will be required as a Condition of Approval, staff believes the site is adequate to accommodate the proposed solar power generation facility and related improvements.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

*Finding 2: 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.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Auberry Road; excellent condition	No change
Direct Access to Public Road	Yes	Auberry Road; excellent	No change
Road ADT (Average Daily Traffic)		2000	Minimal traffic increase during regular operation of the facility
Road Classification		Collector Road	No change
Road Width		40 feet east of the Auberry Road section line	No change
Road Surface		Asphalt paved – pavement width 32 feet	No change
Traffic Trips		7.7 megawatt power	An average of four (4) to

		Existing Conditions	Proposed Operation
		generation facility	seven (7) construction vehicle trips per day during 16 weeks of construction of the facility  One trip per quarter by a worker for maintenance and panel washing during operation of the facility
Traffic Impact Study (TIS) Prepared	No	Limited industrial traffic	No TIS required by County Design Division
Road Improvements Required		Excellent	None required

**Reviewing Agency/Department Comments regarding Adequacy of Streets and Highways:**

Design Division: No concern with the proposal related to vehicular traffic; no Traffic Impact Study required.

California Department of Transportation (Caltrans): No concern with the proposal related to vehicular traffic; no Traffic Impact Study required.

Road Maintenance and Operations Division: Any gates provided off Auberry Road shall be set back a minimum of 20 feet from the right-of-way line or such greater in order to preclude any truck from extending into the right-of-way if temporarily stopped to open any gate. Sediment track-out from vehicles onto Auberry Road should be limited by constructing a paved minimum 35 foot wide drive approach for the site that extends a minimum of 100' into the site beyond the right-of-way line. No access shall be provided to the development from Old Mill Road. A 10'x10' corner cutoff shall be provided for any gate to promote site visibility onto Auberry Road. An Encroachment Permit shall be required for all improvements within the County right-of-way for Auberry Road. The applicant shall provide Site Access Plans pursuant to County of Fresno Improvement standards to Road Maintenance and Operation staff for review and approval. These requirements have been included as Project Notes and shall be reviewed for approval during Site Plan Review which has been included as a Condition of Approval.

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

**Analysis:**

Staff notes that vehicular traffic in the area will be increased during the time of construction using Auberry Road; however, this increase will be temporary. According to the information provided by the Applicant, the project will generate an average of four (4) to seven (7) construction vehicle trips per day during 16 weeks of construction. After construction,

scheduled maintenance required for solar panel washing and system inspection will be performed once per quarter.

Further, no concerns related to the project's impact on County roadways were expressed by the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning. Likewise, no concerns were expressed by the California Department of Transportation.

Based on the above information and with adherence to the Project Note, staff believes that Auberry Road will remain adequate in width and condition to accommodate the construction and operational traffic generated by the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North	2.38 acres to 22.69 acres	Commercial and industrial	C-M & M-3	308 feet northwest
South	3.41 acres to five acres	Single family residences	RR	192 feet south
East	39.19 acres	Public utility service center	RR	385 southeast.
West	2.24 acres to five acres	Commercial and industrial	M-1	None

**Reviewing Agency/Department Comments:**

California Department of Fish and Wildlife (CDFW): Protocol surveys for the property should be conducted during optimal time for identification of plants and animal activities. On-site soils types shall be identified to determine sensitive plants species it would support. Project-related activities shall be prohibited during general bird breeding seasons (January 1 through September 15) and a nesting survey shall be conducted 14 days prior to starting or restarting work within the breeding season. Buffer shall be provided around active bird nest found during survey (2,640 feet for listed species, 500 feet for non-listed raptor species; 250 feet for non-listed, non-raptor species). A Lake and Streambed Alteration Agreement (LSAA) Notification shall be required if laying of underground line would impact riparian corridor and survivorship of the existing trees/shrubs on the property. These requirements noted in CDFW's February 5,

2013 comment letter has been coordinated between the CDFW and the applicant and his biologist, and resulting Mitigation Measures has been included in the Exhibit 1.

Fresno County Agricultural Commissioner's Office (Ag Commissioner): The applicant shall acknowledge the need to manage weeds and rodents so as not to become a nuisance which will cause economic and cultural hardship to adjacent properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Sections 370 to 372 of the Penal Code) is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372. This requirement has been included as a Mitigation Measure.

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. This requirement has been included as a Condition of Approval.

San Joaquin Valley Air Pollution Control District (Air District): The project complies with the emission reduction requirements of District Rule 9510 and as such is not subject to payment of off-site mitigation fees but must comply with all mitigation measures identified in the Monitoring and Reporting Schedule for the approved Indirect Source Review (ISR). The proposal may be subject to the District rules: Regulation VIII – Fugitive Dust Rules, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and an Authority to Construct (ATC) permit.

Development Engineering Section of the Development Services Division: Any additional stormwater run-off generated by the proposed development shall be retained on-site per County Standards. An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval and a Grading Permit or Voucher shall be required for any grading activity resulting of this proposal.

Regional Water Quality Control Board (RWQCB): Construction activities disturbing more than an acre must obtain coverage under State Board's Construction General Permit Order 2009-0009-DWQ. All wash water shall be kept on site. Wash water containing cleaner waste (e.g., detergents) shall be captured and disposed of at a permitted facility.

Fresno County Department of Public Health, Environmental Health Division (Health Department): Prior to occupancy, the applicant shall complete and submit a Hazardous Materials Business Plan form. All hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5. A Permit to Construct Water Well shall be obtained for any well to be drilled on the property. An Underground Storage Tank Removal Permit shall be obtained for any underground storage tank(s) found during the project. Prior to commencement of work, any wells that exist or that have been abandoned within the project area, not intended for use by the project, shall be properly destroyed under permit(s) from the Health Department. Should an on-site office be proposed on the property, the operator shall at all times provide an approved water source for plumbing fixtures which is deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division, and the Fresno County Department of Public Works and Planning. The project shall conform to the Fresno County Noise Ordinance related to construction noise limiting noise-generating construction activities to the hours of 7:00 a.m. to



6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

Fresno County Fire Protection District: The project shall comply with the 2007 California Code of Regulations Title 24 – Fire Code. After county approval of the project and prior to issuance of building permits, copies of approved Site Plans shall be submitted to the District's office to receive District's Condition of Approval for the project.

Auberry Volunteer Fire Department: The project shall comply with Cal Fire regulations related to standard vegetation clearance.

Road Maintenance and Operations Division: Increased runoff associated with grading activities or covering of natural ground with solar panels should be retained on site.

Zoning and Building and Safety Sections of the Development Services Division: Construction plans shall be submitted and building permits be obtained for all proposed improvements on the property, including fences over six feet in height.

The aforementioned requirements have been included as Project Notes.

Pacific Gas and Electric Company (PG & E), U.S. Fish and Wildlife Service, California Department of Transportation, Design Division, Water/Geology/Natural Resources Section of the Development Services Division: No concerns with the proposal.

#### **Analysis:**

The proposed photovoltaic solar power generation facility will produce an estimated four megawatts (MW) of electricity. The facility will consist of two phases (Phase 1 and Phase 2) with 14,400 PV modules, two 153 square-foot switchgear apparatus, eight inverters ranging from 21 to 23 square feet in size, and a six-foot high chain-link perimeter fencing. The switchgear apparatus for Phase 1 (RGA1) will connect to an existing power pole located approximately 1,485 feet west of the Phase 1 improvements. Likewise, the switchgear apparatus for Phase 2 (RGA 2) will connect to an existing power pole located within Auberry Road right-of-way approximately 1,882 feet west of the Phase 2 improvements. All connections will be via underground transmission lines.

The project site is located within an area of commercial and industrial land uses. Parcels adjoining to the north and west of the project site have been developed with limited commercial and industrial uses and the parcels to the east and south of the site has been developed with single family residences, miscellaneous non-residential structures, and a public utility service center. The nearest residence is located approximately 192 feet south of the subject property. The proposed facility is approximately 1,453 feet west of the Auberry Road (State Route 168) and is outside the 200 foot scenic drive setback required for Auberry Road in the County General Plan.

Improvements related to proposed solar generation facility are low in height and as such will have low visibility from the surrounding area. Apart from the 40-foot tall electrical utility pole, the entire 20.82-acre project site will be occupied with 7.4-foot high PV module arrays, 6.9-foot high inverters, and a 9.5-foot high switchgear and be enclosed by a six-foot tall chain-link fence to provide for security, reduce the visual effects of the PV installations, and physical buffers between the proposed development and adjoining properties. The site is currently developed

with and historically used for industrial uses and is located within an established commercial and industrial area with low population density. The site was previously used for log and lumber storage incidental to a sawmill operation and a portion of it has been developed with a waste wood-fired 7.7-megawatt power production facility and related improvements. Given that, no damage to any scenic resources in the area or visual character of the site or its surroundings is expected from this proposal.

Staff notes that no impacts to farmland is expected from this proposal as none exist in the area. At the end of 30-year life of the proposed photovoltaic solar power generation facility, the project site will be restored to a pre-development condition. Restoration of the site will be based on financial assurances provided by the applicant in the form of engineer's cost estimate equal to the cost of reclaiming the land to its previous condition. Also, a Condition of Approval has been included requiring the Applicant to revise their Reclamation Plan to provide for an annual increase in costs at 3%, or an annual increase in costs tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Fresno County Department of Public Works and Planning. Additionally, another Condition of Approval will require access to the project site be provided to the County through an access easement or other mechanism acceptable to the Fresno County Department of Public Works and Planning to ensure that legal access to the site is available in the event that reclamation activities must be initiated by the County. Furthermore, a deferment of construction agreement will be required between the applicant and the County to defer construction of a six-foot high solid masonry wall along the eastern property line of the subject property until such time as deemed appropriate by the County. Per the County Ordinance, a wall is required between the properties zoned for industrial and residential land uses.

A Biological Evaluation Letter Report was prepared for the project by Live Oak Associates, Inc. and reviewed by the California Department of Fish and Wildlife (CDFW). CDFW comments on the project were evaluated and addressed by the applicant's biologist to mitigate the project's impact on sensitive biological habitat in the project area. These mitigation measures have been included in this report as Exhibit 1 (Mitigation Measures, Recommended Conditions of Approval Project Notes) and discussed in Exhibit 9 (Section IV. Biological Resources).

Based on the above information and with adherence to the Mitigation Measures related to biological resources, Site Reclamation Plan, hooded outdoor lighting, Rodent and Weed Control Plans, cultural resources, recommended Conditions of Approval; and Project Notes including but not limited to the County's Grading and Drainage Ordinance, fire protection measures from the Fresno County Fire Protection District, and handling of any hazardous waste on the property, identified in the IS prepared for this project and discussed in this Report, staff believes the project will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

- See *Mitigation Measures and Recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy 12.04-Industrial Policies (Mountain Urban) of the Sierra North Regional Plan states that new industrial use may be allowed on the property provided that the project: 1) will not have a detrimental effect on property and improvements in the area; 2) is located on major roadways and near existing industrial uses; and 3) serve the community.	The proposed facility is similar to the existing power generation facility on the property and is in-line with existing industrial and commercial uses in the area. The property is located along Auberry Road (State Route 168) which is a major thoroughfare in the area. Further, the electricity generated by PV solar panels will be supplied to the PG&E power grid for use by developments in the area.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	Water for construction and periodic cleaning of solar panels will be provided by outside water suppliers. The County Water/Geology/Natural Resources Section of the Development Services Division reviewed the project and expressed no concerns with the proposal as it relates to water quantity.

Policy Planning Section of the Development Services Division: The property is designated Mountain Urban in the County-adopted Sierra North Regional Plan. According to Policy 12.04-Industrial Policies (Mountain Urban) of the Sierra North Regional Plan new industrial use may be allowed on the property provided that the use will not have a detrimental effect on property and improvements in the area, be located on major roadways and near existing industrial uses, and serve the community. According to the General Plan Policy PF-C.17 adequate water supply shall be available for the project.

**Analysis:**

As discussed above, this project is consistent with the applicable General Plan Policies. The proposed facility is similar in nature to the existing power generation facility on the property and as such will not impact, visually or otherwise, the existing commercial and industrial uses in the area. Also, the proposal is located along a major thoroughfare (Auberry Road) and will supply power to improvements within the area through the PG&E's existing power grid system. Further, no impact on water resources is expected from this proposal due to the minimal use of water during construction and periodic washing of solar panels. Water will be trucked in by outside water suppliers.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

- See *Mitigation Measures and recommended Conditions of approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made:

## **CONCLUSION:**

Staff believes the required Findings for granting the Unclassified Conditional Use Permit (CUP) Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit Application No. 3389 subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6619; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3389, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3389; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

EJ:jem

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3300-3399\3389\sr\_CUP3389 (042513).doc

**Mitigation Monitoring and Reporting Program**  
**Initial Study (IS) No. 6619 / Unclassified Conditional Use Permit (CUP) No. 3389**  
**(Including Conditions of Approval and Project Notes)**

**EXHIBIT 1**

**Mitigation Measures**

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All 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)	Ongoing; until 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 engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit) and 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 operation.	Applicant	PW&P	Ongoing; until the project lasts
*3.	Agricultural and Forestry Resources	Prior to the issuance of any permits, a Pest Management Plan shall be submitted to the Department of Public Works and Planning and approved by the Fresno County Agricultural Commissioner's Office. The Pest Management Plan shall identify methods and frequency to manage weeds, insects, and disease and vertebrate pests that may impact adjacent properties	Applicant	PW&P/Agriculture Commissioner's Office (ACO)	Ongoing; until the project lasts
*4.	Agricultural and Forestry Resources	The applicant shall acknowledge the need to manage weeds and rodents so as not to become a nuisance which will cause economic and cultural hardship to adjacent properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Sections 370 to 372 of the Penal Code); and that the maintenance of such public nuisance is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.	Applicant	Applicant/PW&P/ACO	Ongoing; until the project lasts

*5.	Biological Resources	If feasible and to the maximum extent possible, the three ponds located adjacent to the project site within the 68.28-acre as well as Little Sandy Creek which traverses the northern boundary of the project site, shall be avoided by at least 250 feet as measured from the top of each bank to protect western pond turtles and their nests. . The 250-foot buffer shall be a no-disturbance buffer and should be clearly delineated on the ground with stakes, flagging, etc., prior to starting construction/ decommissioning activities and maintained until all construction/ decommissioning activities have been completed.	Applicant	Applicant/ PW&P/ California Department of Fish and Wildlife (CDFW)	As noted
*6.	Biological Resources	If complete avoidance of this 250 foot buffer is not feasible, a qualified biologist shall conduct intensive visual surveys to detect western pond turtles or their nests no more than 14 days prior to starting construction/decommissioning. Additional survey shall be completed if construction/decommissioning activities cease for 30 days or more.	Applicant	Applicant/ PW&P/ CDFW	As noted
*7.	Biological Resources	Should pond turtles be found, these turtles will be relocated by the qualified biologist to the nearest suitable aquatic habitat. Should turtle nests be found these nests shall be avoided with a 50 foot no-disturbance buffer until it has been determined that the eggs have hatched and the juvenile turtles have left the nest site.	Applicant	Applicant/CDFW	As noted
*8.	Biological Resources	All special-status plant species and /or their habitats shall be avoided by at least 50 feet. The 50-foot no-disturbance buffer should be clearly delineated on the ground with stakes, flagging, etc. during construction, operation and decommissioning activities.	Applicant	Applicant/CDFW	As noted
*9.	Biological Resources	The California Department of Fish and Wildlife (DFW) shall be consulted to determine if an Incidental Take Permit (ITP) is warranted if listed plant species cannot be avoided by 50 feet.	Applicant	Applicant/CDFW	As noted
*10.	Biological Resources	Construction/decommissioning activities shall be prohibited during the normal bird breeding season defined as January 1 through September 15, when feasible.	Applicant	Applicant/CDFW	As noted
*11.	Biological Resources	A qualified biologist shall conduct intensive visual surveys to detect active bird nests no more than 14 days prior to starting construction/decommissioning activities if these activities must occur between January 1 and September 15. Additional	Applicant	Applicant/ PW&P/ CDFW	As noted

		survey shall be completed if construction/decommissioning activities cease for 30 days or more.			
*12.	Biological Resources	Active nests birds shall be protected with a no-disturbance buffer of at least 2,640 feet for listed bird species, 500 feet for non-listed raptor species, and 250 feet for non-listed, non-raptor species. The no-disturbance buffers should be clearly delineated on the ground with stakes, flagging, etc. until after the breeding season has ended or the young have fledged and no longer dependent on the nests or the parents for survival as determined by a qualified biologist and with written consent from the California Department of Fish and Wildlife (DFW) for listed species.	Applicant	Applicant/CDFW	As noted
*13.	Biological Resources	The California Department of Fish and Wildlife (DFW) shall be consulted to determine if an Incidental Take Permit (ITP) is warranted if active listed bird nests cannot be avoided by 2,640 feet during the breeding season.	Applicant	Applicant/CDFW/ United States Fish and Wildlife Service (USFWS)	As noted
*14.	Biological Resources	To prevent bird death and injury, all vertical pipes associated with the solar mounts and fencing poles as they are installed shall be capped.	Applicant	Applicant/CDFW	As noted
*15.	Biological Resources	Use of pesticide within all non-disturbance buffers shall be prohibited.		Applicant/CDFW	
*16.	Biological Resources	Use of rodenticides that may impact non-target species and/or reduce prey sources for existing wildlife shall be prohibited. Rodents should be removed using live traps instead of rodenticides.		Applicant/CDFW	
*17.	Biological Resources	If trenching and line connection to the existing pole will result in removal of trees/shrubs/grasses within riparian corridor or roots cut that could impact the survivorship of the trees/shrubs, a Lake and Streambed Alteration Agreement (LSAA) Notification shall be submitted to the California Department of Fish and Wildlife to mitigate such impacts through LSAA.		Applicant/CDFW	
*18.	Cultural Resources	In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find.	Applicant	Applicant/PW&P	As noted

		and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.		
<b>Conditions of Approval</b>				
1.		Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.		
2.		The life of this land use permit will expire upon expiration of the initial life of the solar lease or the 30-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.		
3.		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. 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.		
4.		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.		
5.		Prior to issuance of a building permit, a covenant running with the land between the County and the property owner shall be recorded requiring that construction of a six foot high solid masonry wall along the easterly property line of the subject property shall be deferred until such time as deemed appropriate by the County. The Department of Public Works and Planning will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.		
6.		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 Department of Public Works and Planning.		
7.		Access to the project site shall be provided to the County through an access easement or other mechanism acceptable to the Department of Public Works and Planning to ensure that legal access to the site is available in the event that reclamation activities must be initiated by the County.		
8.		The project shall comply with the information in response to Solar Facility Guidelines attached as Exhibit 8 to the Staff Report, and as approved and/or modified by the Commission.		

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

**Notes**



Notes

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

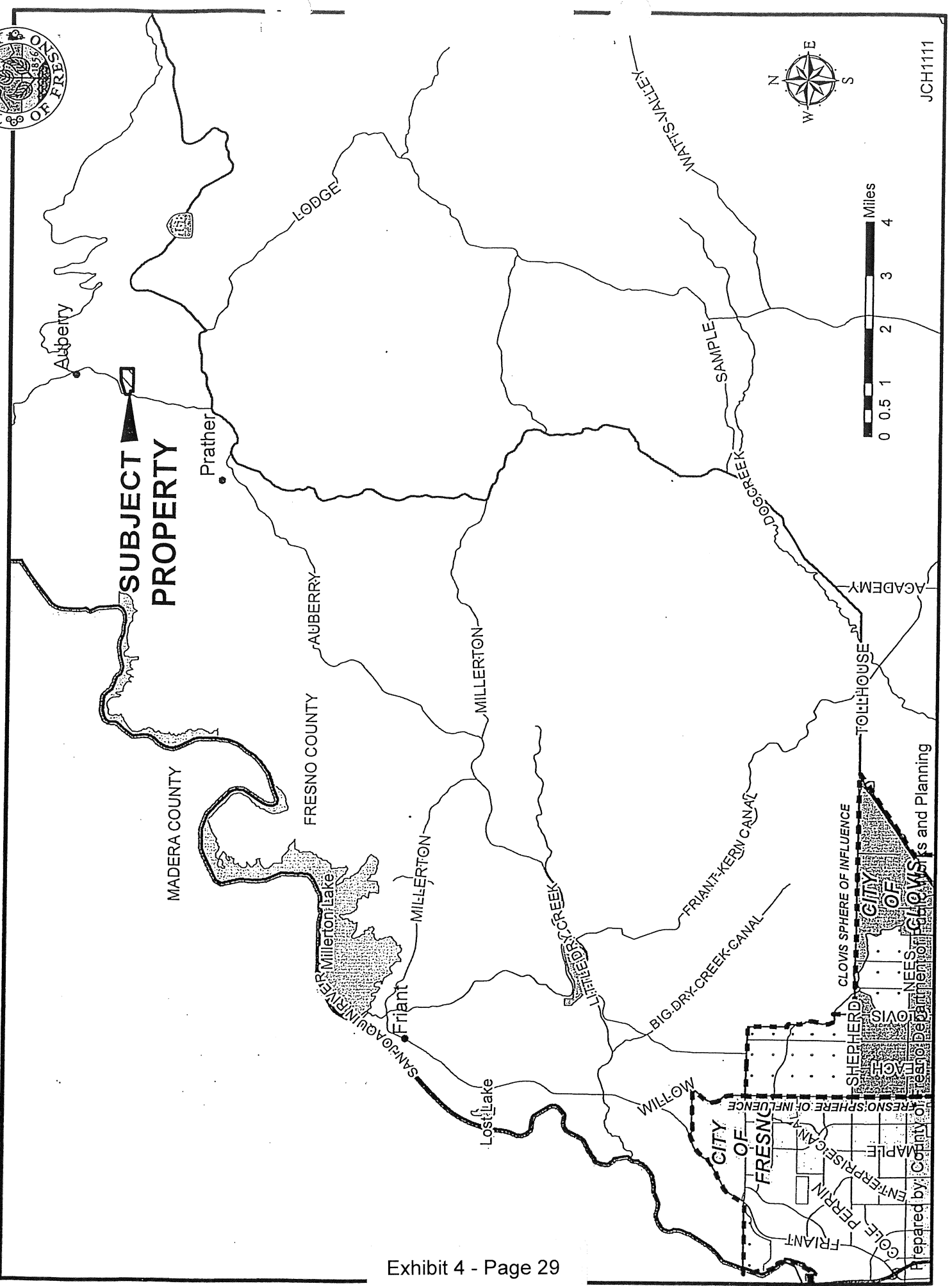
1.	Construction Plans shall be submitted and Building Permits shall be obtained for all improvements on the project site. Construction Plans must be prepared by a licensed Design professional. Building Permits are also required for fences more than six feet in height. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 regarding permits for construction.
2.	Any additional storm water run-off generated by the project cannot be drained across property lines or into County right-of-way, and must be retained on-site, per the County Standards.
3.	An Engineered Grading and Drainage Plan is 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 is required for any grading proposed with this application.
4.	Any wells that exist or that have been abandoned within the project area, not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor. Contact the Water Surveillance Program at (559) 600-3047 for more information.
5.	Any septic systems that exist or have been abandoned within the project area, not intended for use by the project, shall be properly destroyed under permit and inspection by the Department of Public Works and Planning, Development Services Division.
6.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information. Prior to occupancy, the applicant shall complete and submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 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.	Should a water well be drilled, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Public Health Department, Environmental Health Division. Contact the Water Surveillance Program at (559) 600-3047 for more information
9.	Should an on-site office be proposed on the property, the operator shall at all times provide an approved water source for plumbing fixtures which is deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division, and the Fresno County Department of Public Works and Planning.
10	The project shall conform to the Fresno County Noise Ordinance related to construction noise limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

Notes

11.	According to the San Joaquin Valley Air Pollution Control District (Air District), the project must comply with all mitigation measures identified in the Monitoring and Reporting Schedule for the approved Indirect Source Review (ISR).
	According to the Regional Water Quality Control Board, construction activities disturbing more than an acre must obtain coverage under State Board's Construction General Permit Order 2009-0009-DWQ. Wash water shall be kept on site. Wash water containing cleaner waste (e.g., detergents) shall be captured and disposed of at a permitted facility.
12.	<p>According to the Road maintenance and Operations Division:</p> <ul style="list-style-type: none"> <li>• Any gates provided off Auberry Road shall be set back a minimum of 20 feet from the right-of-way line or such greater in order to preclude any truck from extending into the right-of-way if temporarily stopped to open any gate.</li> <li>• Sediment track-out from vehicles onto Auberry Road should be limited by constructing a paved minimum 35 foot wide drive approach for the site that extends a minimum of 100' into the site beyond the right-of-way line.</li> <li>• No access shall be provided to the development from Old Mill Road.</li> <li>• A 10'x10' corner cutoff shall be provided for any gate to promote site visibility onto Auberry Road.</li> <li>• An Encroachment Permit shall be required for all improvements within the County right-of-way for Auberry Road.</li> <li>• The applicant shall provide Site Access Plans pursuant to County of Fresno Improvement standards to Road Maintenance and Operation staff for review and approval.</li> </ul>
13.	Fresno County Fire Protection District: The project shall comply with the 2007 California Code of Regulations Title 24 – Fire Code. After county approval of the project and prior to issuance of building permit, copies of approved Site Plans shall be submitted to the District's office to receive District's Condition of Approval for the project
14.	The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy granted to the use. The project shall comply with CalFire regulations related to Standard vegetation clearance.
15.	According to the San Joaquin Valley Air Pollution Control, District (Air District), the project must comply with all mitigation measures identified in the Monitoring and Reporting Schedule for the approved Indirect Source Review (ISR) as well as adhere to the Air District rules: Regulation VIII – Fugitive Dust Rules, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and an Authority to Construct (ATC).

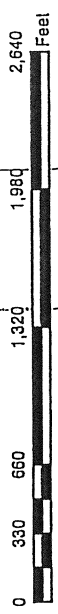
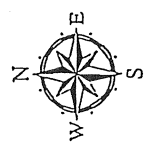
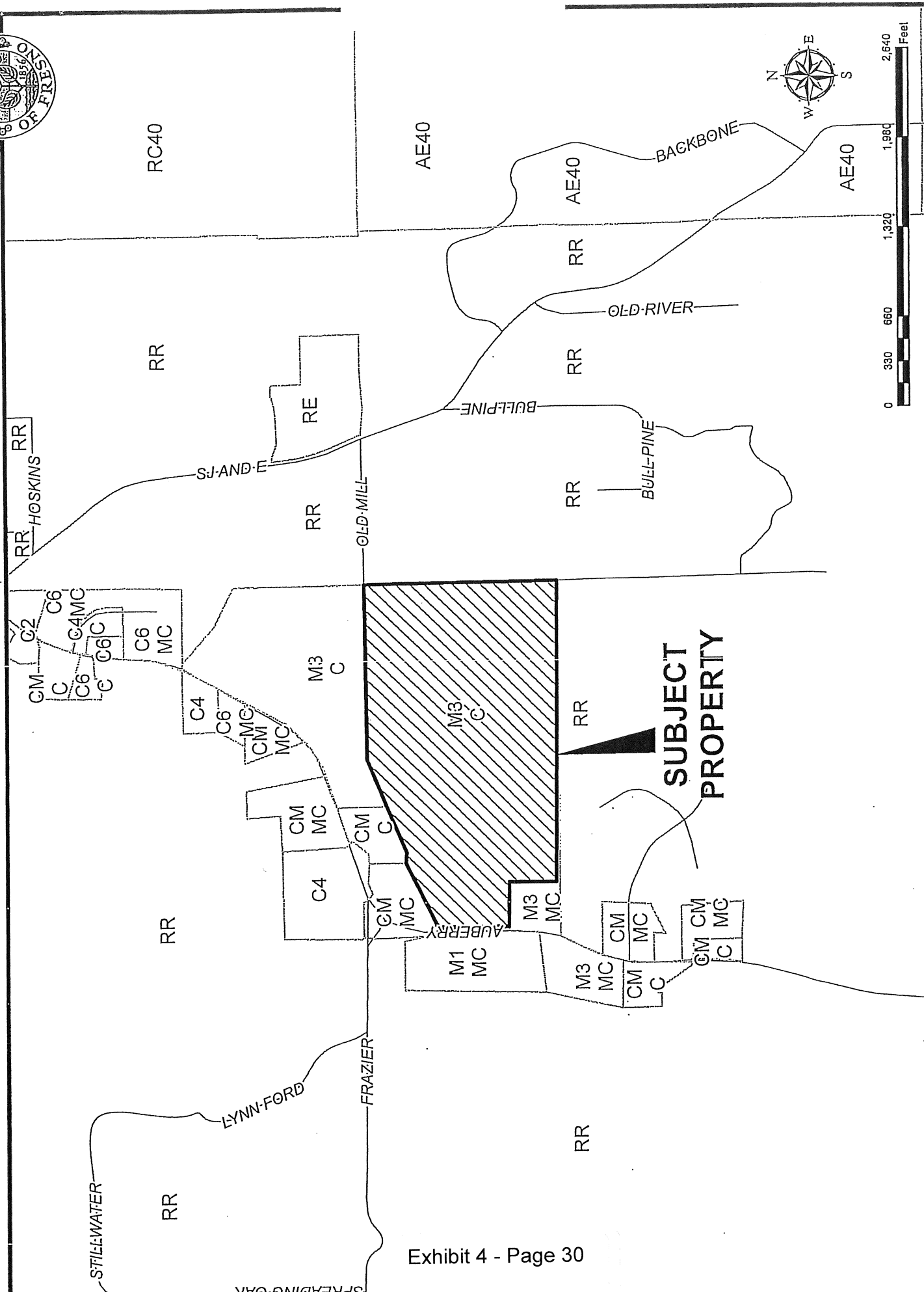
# LOCATION MAP

CUP 3389



JCH1111

# EXISTING ZONING MAP

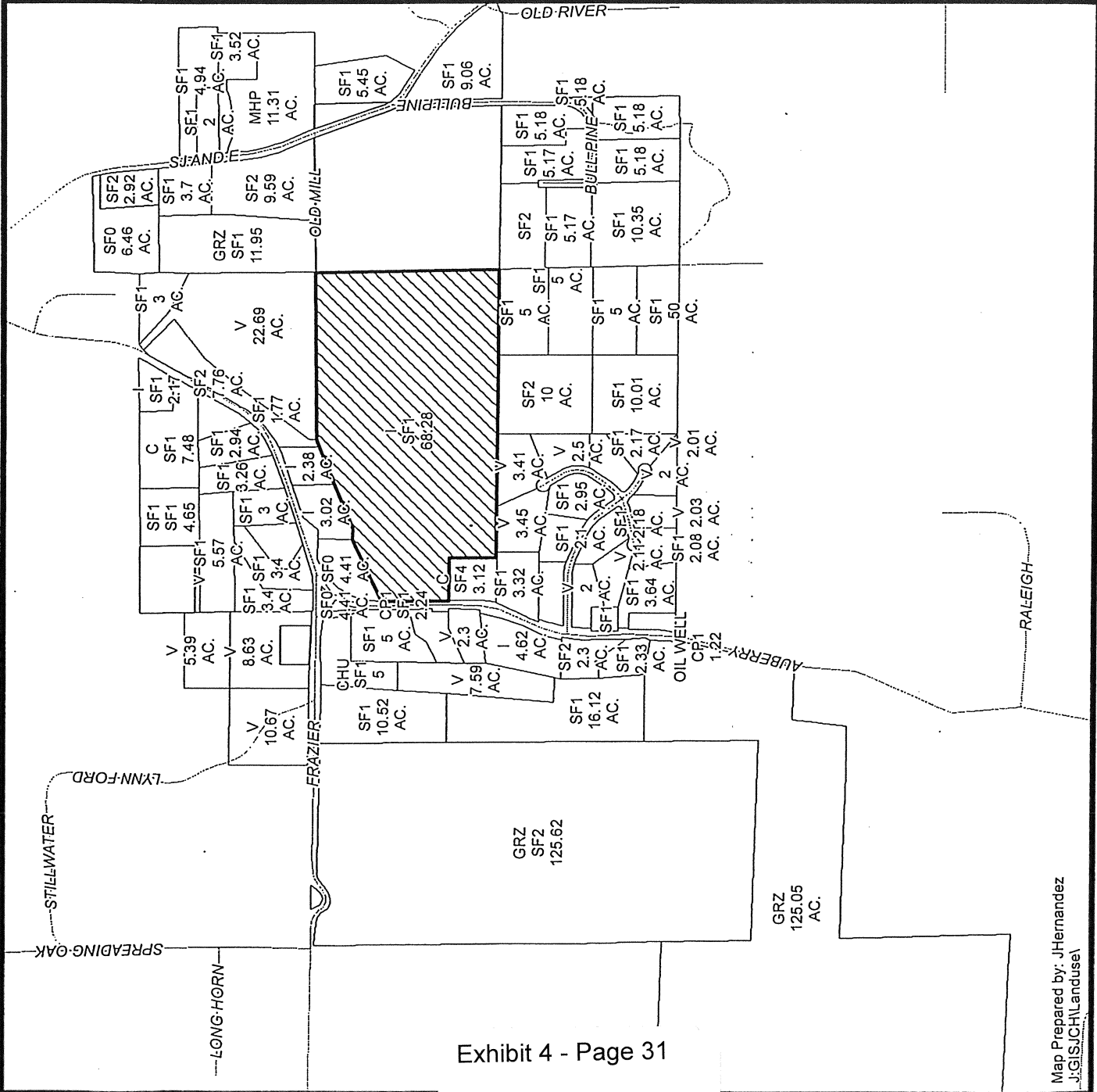


RR5 RR5111



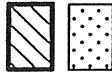
# EXISTING LAND USE MAP

CUP 3389

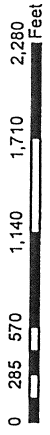
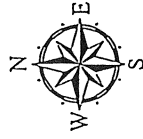


LEGEND	
C - COMMERCIAL	
CHU - CHURCH	
CP# - OFFICE COMM./PROF	
GRZ - GRAZING	
I - INDUSTRIAL	
MHP - MOBILE HOME PARK	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:



Subject Property  
 Ag Contract Land



Department of Public Works and Planning  
 Development Services Division

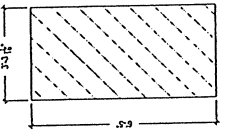
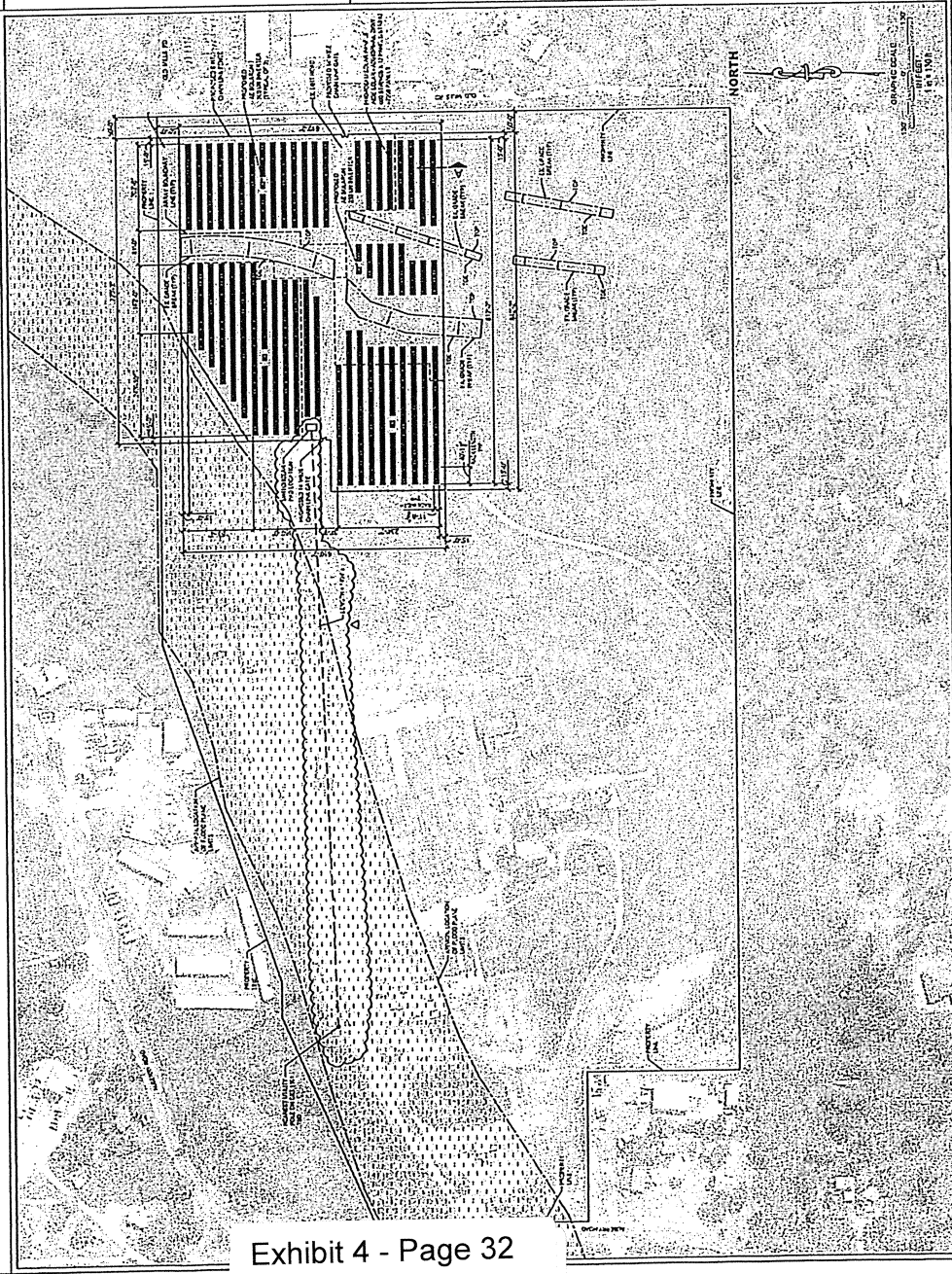
CUP3389

# PROPOSED SOLAR POWER INSTALLATION

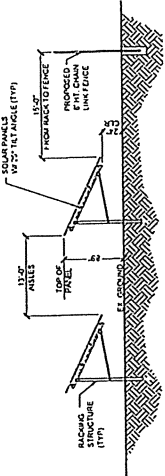
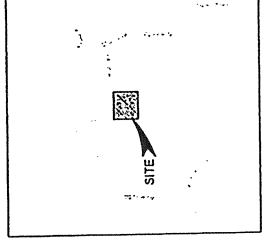
RGA 1 SSU PROJECT - 1.75 MW AC  
 32180 AUBERRY RD., AUBERRY, CA 93602  
 APN: 128-450-58

**RECEIVED**  
 COUNTY OF FRESNO  
 OCT 10 2012  
 DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION

**CENERGY**  
 A DIVISION OF SUN POWER CORPORATION  
 3115 LOGGERS AVENUE, #1  
 OAKLAND, CA 94618  
 OFFICE: 766.61113  
 FAX: 766.61113  
 www.cenergy.com



SOLAR PANEL N.T.S.



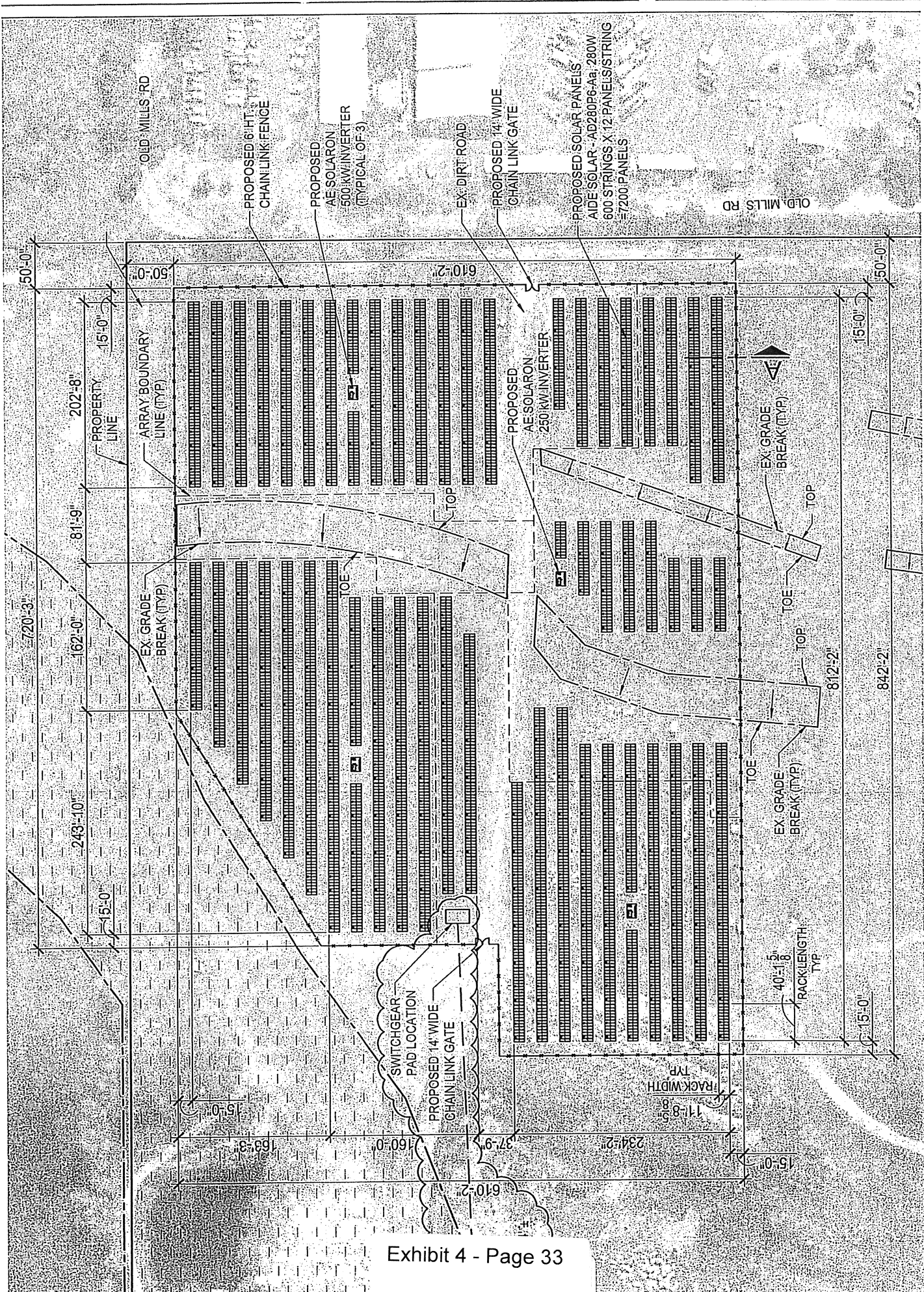
**OWNER:** RGA 1 SSU  
**LOCATION:** 32180 AUBERRY ROAD, AUBERRY, CA 93602  
**APN:** 128-450-58  
**PROJECT DESCRIPTION:**  
 INSTALLATION OF AIDE SOLAR PANELS, AID360P-PA-3, 280W  
 7000 PANELS  
**GROUND MOUNT:**  
 7000 PANELS  
**TOTAL PANELS:**  
 7000 PANELS  
**INVERTER:** 3 UNIT - ADVANCED ENERGY: SOLARON 500 KW  
 1 UNIT - ADVANCED ENERGY: 600 KW  
**SOLAR PANEL QUANTITY:** 34,380V PANELS PER ARRAY UNIT.  
**SOLAR ARRAY UNITS:** 44 X 11 STAKE MOUNT, TOTAL 448  
**TOTAL ARRAY:** 300.  
**RACKING:** SCAFFLETED RACKING SYSTEM  
 ALUMINUM FIXED GROUND TRACKS W/ GALVANIZED STEEL POSTS.  
**ARRAY TILT:** 25°  
**ARRAY AZIMUTH:** 180°  
**SWITCHGEAR:** 1 SWITCHGEAR INSTALLATION  
**FENCE:** PERIMETER FENCE TO BE 6' HEIGHT AND 15' CLEARANCE.  
**TOTAL AREA INSIDE PERIMETER FENCE:** 10.35 ACRES (APPROX.)  
**TOTAL CAPACITY:** 2,0100 MW DC/310 (1.75 MW AC).

PROJECT DATA

OVERALL SOLAR POWER SITE LAYOUT

SCALE 1"=100'

CIP 3389



CUP 3389

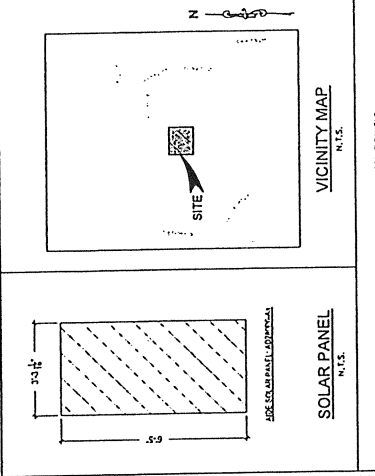
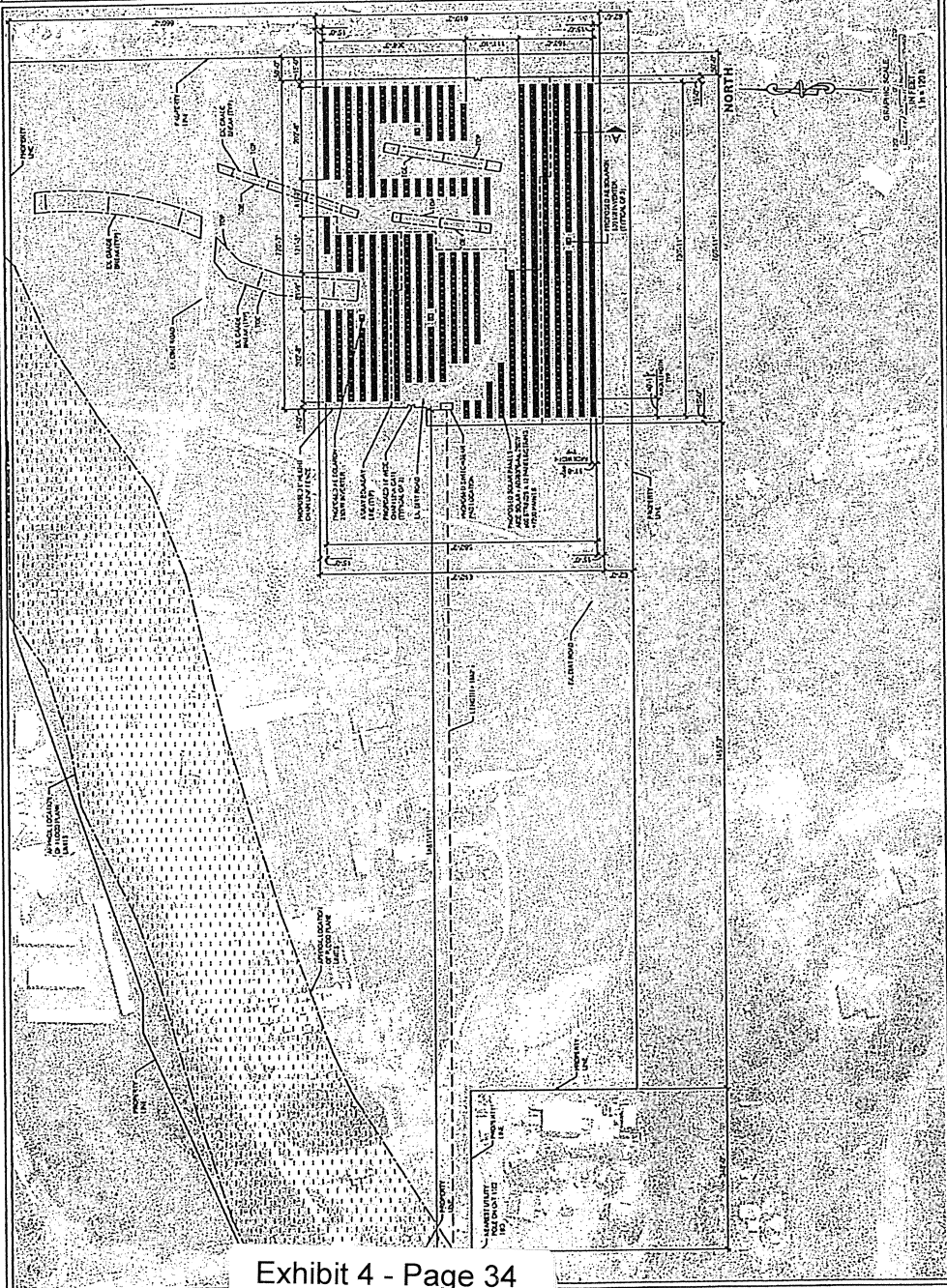
# PROPOSED SOLAR POWER INSTALLATION

RGa 2 SSU PROJECT - 1.75 MW AC  
 32180 AUBERRY RD., AUBERRY, CA 93602  
 APN: 128-450-58

RECEIVED  
 COUNTY OF FRESNO  
 OCT 10 2012  
 DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION

**CENERGY POWER**  
 A DIVISION OF BAA POWER CORPORATION  
 3178 LOSHOLD AVE., #1  
 CARLSBAD, CA 92008  
 OFFICE: 760.431.1111  
 FAX: 760.431.1110  
 www.cenergy.com

NO.	REVISION	DATE	BY	CHKD.



OWNER: RGA 2 SSU  
 LOCATION: 32180 AUBERRY ROAD, AUBERRY, CA, 93602  
 APR. 12-450-58

PROJECT DESCRIPTION:  
 RACKING: 1 UNIT - ADVANCED ENERGY: SOLARON 500 RW,  
 1 UNIT - ADVANCED ENERGY: SOLARON 250 RW,  
 SOLAR PANEL QUANTITY: 24,820 RW PANELS PER ARRAY UNIT,  
 SOLAR ARRAY UNITS: 84 X 3 STATIC MOUNT, TOTAL=252,  
 TOTAL ARRAY=500.

TOTAL PANELS: 7200 PANELS  
 INVERTER: 1 UNIT - ADVANCED ENERGY: SOLARON 500 RW,  
 1 UNIT - ADVANCED ENERGY: SOLARON 250 RW,  
 SOLAR PANEL QUANTITY: 24,820 RW PANELS PER ARRAY UNIT,  
 SOLAR ARRAY UNITS: 84 X 3 STATIC MOUNT, TOTAL=252,  
 TOTAL ARRAY=500.

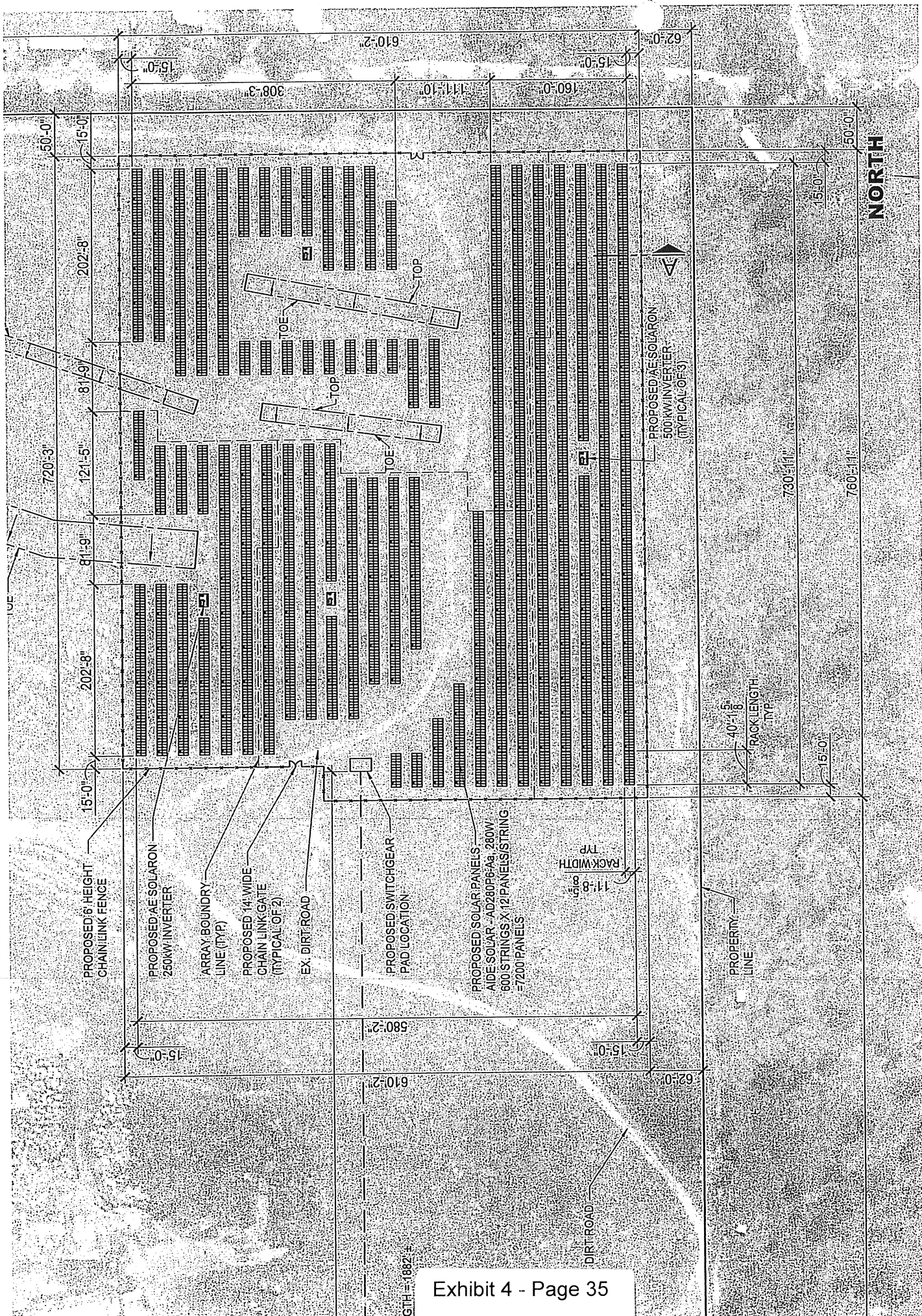
RACKING: S-LETTER RACKING SYSTEM,  
 ALUMINUM FIXED GROUND RACKS W/ GALVANIZED STEEL POSTS.  
 ARRAY TILT = 25°  
 ARRAY AZIMUTH = 102°

SWITCHGEAR: 1 SWITCHGEAR INSTALLATION.  
 FENCE: PERIMETER FENCE TO BE 6" HEIGHT AND 15' CLEARANCE.  
 TOTAL AREA INSIDE PERIMETER FENCE = 19.44 ACRES (APPROX).  
 TOTAL CAPACITY = 2,016,000 WDC STC (1.75 MW AC).

SHEET NO.	SHEET TITLE	OWNER	PROJECT	ADDRESS	DATE	BY	CHKD.
SP-1	PROPOSED SOLAR SYSTEM INSTALLATION	RGa 2 SSU PROJECT AUBERRY	SOLAR INSTALLATION	32180 AUBERRY RD, AUBERRY, CA 93602	10/10/2012		

OVERALL SOLAR POWER SITE LAYOUT  
 SCALE: 1" = 120'





PROPOSED 6' HEIGHT CHAINLINK FENCE

PROPOSED AE SOLARON 280KW INVERTER

ARRAY BOUNDARY LINE (TYP)

PROPOSED 14' WIDE CHAINLINK GATE (TYPICAL OF 2)

EX. DIRT ROAD

PROPOSED SWITCHGEAR PAD LOCATION

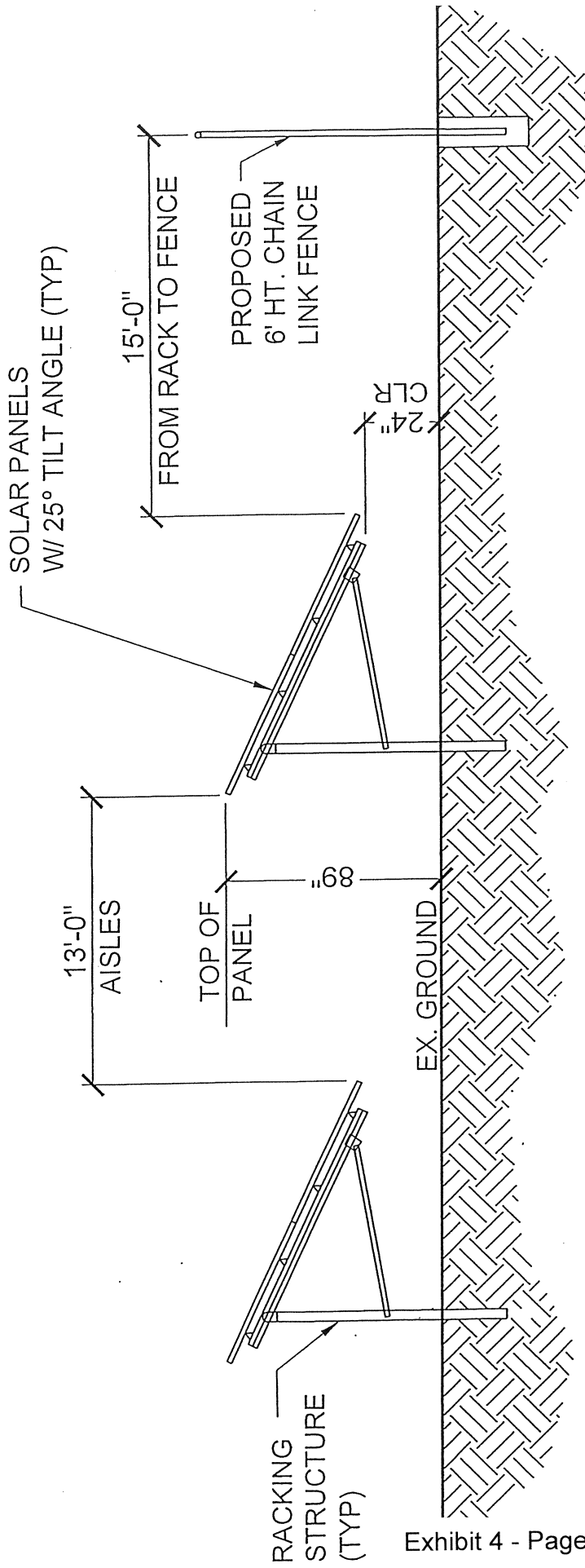
PROPOSED SOLAR PANELS  
AIDE SOLAR - AD280P6-Aa, 280W  
600 STRINGS X 12 PANELS/STRING  
= 7200 PANELS

PROPOSED AE SOLARON 500KW INVERTER (TYPICAL OF 3)

PROPERTY LINE

NORTH

CUP 3389



# SECTION A

N.T.S.

CWP 3389

RECEIVED  
COURTY OF FRESNO

UCL 10 2012

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

## RGA1&2 Operational Statement Checklist

### 1. Nature of the operation--what do you propose to do? Describe in detail.

The proposed solar project ("Project") is a pilot for up to 4 megawatt ("MW") alternating current ("DC") photovoltaic ("PV") ground-mounted solar systems (the "Solar System") that will be implemented in two (2) overlapping 2 MW phases known as Phase 1: RGA1 and Phase 2: RGA2. This "pilot" Project intends to demonstrate the tremendous macroeconomic benefits that could be generated from the construction of small, temporary and distributed power PV systems on less productive agricultural lands in Fresno and other Central Valley counties.

The Solar System is engineered with the following key agriculture- and environment- friendly characteristics: (i) temporary use (i.e., system can be easily removed after its 20-30 year land lease term), (ii) small modular footprint of less than 15 acres (i.e., enables even small landowners to generate value on marginal land), (iii) distributed power generation (i.e., system ties directly into a 12-21kV distribution line with minimal necessary utility upgrades), (iv) fast construction time of less than 120 days (i.e., minimal environmental impact), and (v) minimal water requirements (i.e., less than 1.0 acre feet of water is required per year for panel washing), (vi) situated on industrially zoned land.

The last characteristic is perhaps the most important in that all of the land used for the Solar System will not be taking away prime farmland from Fresno County and the Central Valley for solar power generation.

### 2. Operational time limits:

The Project's operational use will extend to the end of the land lease term agreed upon with the landowner, 25 years. The construction time of the Project is estimated to take no more than 16 weeks.

### 3. Number of customers or visitors:

#### During and After Construction

Average number per day: 0

Maximum number per day: 0

Hours (when they will be there): 0

### 4. Number of employees:

Current: None

Future: During 16 week construction period, an average of 25 construction workers at any given time. 0 after

CUP3389

RECEIVED  
COUNTY OF FRESNO

OCT 10 2012

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Hours they work: 6:00am – 3:00pm  
Do any live on-site as a caretaker? No

**5. Service and delivery vehicles:**

During Construction:

Number: 4-7

Type: Pile drivers, forklifts, excavators, trenchers, small compactors, delivery trucks

Frequency: Most vehicles will stay on site, except a few delivery trucks

After Construction:

Number: 1

Type: Washing and servicing truck

Frequency: 1 visit per quarter

**6. Access to the site:**

Public Roads: Auberry Road and Old Mill Road

**7. Number of parking spaces for employees, customers, and service/delivery vehicles.**

During Construction: Parking areas for construction workers and staging and laydown areas for construction materials would be prepared inside the solar field area or in temporary parking areas nearby within the overall private parcels. Construction access would be via existing paved roads at project site.

After Construction: There will 0 designated parking spots located on the site.

**8. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?**

No grown or produced goods will be sold on site.

**9. What equipment is used? If appropriate, provide pictures or brochure.**

During Construction: Pile drivers, forklifts, excavators, trenchers, small compactors, delivery trucks

After Construction: The 4 MW - DC commercial solar PV generating facility will have equipment consisting of solar panels (Aide Solar AD280P6-Aa 280W) inverters (6 Advanced Energy Solaron 500kW and 2 Advanced Energy Solaron 250kW) and racking system (Schletter). For specifications and product brochures please refer to Appendix A.

**10. What supplies or materials are used and how are they stored?**

During the first stage of construction materials and equipment are delivered to the site. The storage area for the materials will be located to the north of the property which shall be cleared of any debris and vegetation. The materials will be in secure container vans and will access the property on the existing road on the north. The office and personnel van will be close to the Project site to minimize manpower traffic.

Materials will include wiring, boxes, switches, conduits, pipes, rebar etc.

**11. Does the use cause an unsightly appearance? If so, explain how this will be reduced or eliminated.**

Noise and air pollution from the Project is limited to the construction phase equipment being used (i.e, trucks, forklifts and excavators). Since the Project primarily consists of assembly and pre-fabricated parts, noise and air pollution will be kept to a minimum.

The solar system will have no impact in terms of glare or odor. The project has 50 foot setbacks and landscaping in compliance with CUP requirements from Fresno County to hide the solar arrays from public view.

**12. List any solid or liquid wastes to be produced.**

During construction there will be almost no waste as the components are pre-fabricated. At the construction site, only system assembly will be required.

The installation of all electrical wirings, boxes, switches, and inverters will allow for all the waste materials to be recycled and reused for other potential projects.

For the sewer source during construction, we will use a portable toilet facility that will be monitored.

**13. Estimated volume of water to be used (gallons per day). Source of water?**

During Construction: There will be a water truck onsite at all times for dust control. A water truck will also be used to wash the panels for final turnover. The minimal amounts of water used at the site would percolate into the ground.

After Construction: Less than 1.0 acre feet of water is required per year for panel washing and such water will be trucked into the site.

**14. Describe any proposed advertising including size, appearance, and placement.**

There is no proposed advertising located at the site at this time.

**15. Will existing buildings be used or will new buildings be constructed?**

No existing buildings will be used, and no new buildings will be constructed.

**16. Explain which buildings or what portion of buildings will be used in the operation.**

Not applicable

**17. Will any outdoor lighting or an outdoor sound amplification system be used?**

Pole mounted motion detection lights will be utilized around the site perimeter. Such lighting will only illuminate when movement is detected and will be pointed downward to specific security locations at the Project site.

No outdoor sound amplification system will be used.

**18. Landscaping or fencing proposed? Describe type and location.**

Landscaping will be completed along the frontage of Old Mill Road to beautify and obstruct the view of the solar arrays in accordance with the CUP conditions.

The project perimeter that includes a 50 foot buffer would be secured with at least a 6 foot tall chain link security fencing with barbed wire on top for a total height of at least 8 feet.

**19. Any other information that will provide a clear understanding of the project or operation.**

The applicant's primary purpose of the proposed pilot project is to generate approximately 4 MW DC of clean, renewable electrical power using field-proven solar PV technology and to integrate the electrical output of the project into the electrical grid. The electricity produced by the proposed project would be sold via a power purchase agreement with PG&E that would provide a set and secure rate of financial return for the project.

The applicant has identified the following objectives to meet the primary purpose of the proposed project:

- Develop a solar project designed to help meet California's renewable portfolio standard ("RPS") goal of 33% of California's power from renewable resources;
- Locate the Project on less productive agricultural land so that critical California water resources may be efficiently redistributed to more valuable prime farmland;
- Locate the Project in areas that optimize desirable solar project characteristics with minimum potential for environmental effects and maximum economic benefits. Such areas would (i) have strong annual solar insolation, (ii) be in close proximity (and require minimal upgrades to) the existing utility distribution network, (iii) be free of threatened, endangered, or listed species, and (iv) enable landowners to maximize the economic returns on otherwise less productive/ marginal land; and
- Design the Project facilities so that the Project is temporary in nature in the event the landowner wishes to return the land to agricultural use in the future. Such facilities would be engineered for easy removal at end-of-lease term in 20-30 years so that the land can be reclaimed for agricultural use.

**20. Identify all Owners, Officers and/or Board Members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.**

Property Owners: Kirk Ringgold, Dia Ringgold

Project Owner: SH3 Solar, LLC. Managing Member: Bill Pham

CUP3389

RECEIVED  
COUNTY OF FRESNO

FEB 01 2013

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

SH3 Solar LLC, RGA1&2 - Solar Facility Guidelines  
(Revised by BOS on 3/13/12)

APN 128-450-58

The need to accommodate new renewable energy technology must be balanced with the need to protect prime farmlands and minimize impacts to existing agricultural operations. The land use process for evaluating solar facilities should rely on general guidelines and policies rather than specific standards which may not be flexible enough to accommodate the evolving technology.

Applicants for solar facilities shall address the following as part of the application review process:

1. Information shall be submitted regarding the historical agricultural operation/usage of the parcel, including specific crop type and crop yield for the last ten years (if no agricultural operation in the last ten years, specify when land was last in agricultural use); and

Not applicable, the solar site is located on M3 Heavy Industrial zoned land.

2. Information shall be submitted that identifies the source of water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (i.e. utilized on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well, water quality data and data regarding the existing water table depth; and

Property has wells located on the site but because of M3 Heavy Industrial zoning applicant believes well system information is not applicable. If Fresno County requests additional information applicant will provide it.

3. Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, retired land, etc.), the purpose of any easement and limitations of the parcel. The applicant shall submit a Title Report or Lot Book Guarantee for verification.

The Solar System will be situated on 15 acres in Fresno County at 32180 Auberry Road, Auberry CA 93602, Sections 8, 17&18, Township 10 South, Range 23 East on Assessor's Parcel Number 128-450-58 (Please refer to Appendix A and Appendix B).

The parcel's current status is mostly flat, vacant land with an abandoned Lumberyard facility located on the property (for site photos please refer to Appendix C).

Please refer to Appendix D for the Title Report and Legal Description.

The Project area is located on M3 Heavy Industrial zoned land and has three easements on the property. The first easement is with Ponderosa Telephone Company on the northwest side of the property (Appendix E). The second and third easements are with



Fresno County for road right of ways in the northwest side of the property from 1889 (Appendix F) and 1950 (Appendix G).

4. Identify (with supporting data) the current soil type and mapping units of the parcel pursuant to the standards of the California State Department of Conservation and the Natural Resources Conservation Service; and

According to the California Department of Conservation's "Rural Land Mapping Edition, Fresno County Important Farmland 2008" the project site is located on a combination of "Urban and Built-Up Land" and "Nonagricultural and Natural Vegetation" (Refer to Appendix H).

5. List all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures; and

Please refer to our most updated Site Plans (Appendix I) which complies with the 50 foot setback requirement from Fresno County. The project's proposed landscaping measures will help to obscure and beautify the view of the solar arrays.

6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements; and

The applicant has put forth a detailed Reclamation as can be seen in (Appendix J). The Landowners acknowledge and accept the Reclamation Plan as set forth in (Appendix K). However, at the end of the term of the lease and conditional use permit property owners would like the opportunity to negotiate with the County and applicants their desire to keep all or some of the components of the solar system for their personal use on the property (Appendix L).

7. Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected.

We have located vacant M-3 Heavy Industrial land to ensure no agricultural lands will be taken out of production.

8. Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.

The pest management plan will be implemented as part of the Project routine maintenance schedule. There will be a yearly activity calendar and an annual re-assessment of the Pest Management & Weed Control Plan. The routine pest management includes the following:

Reporting:

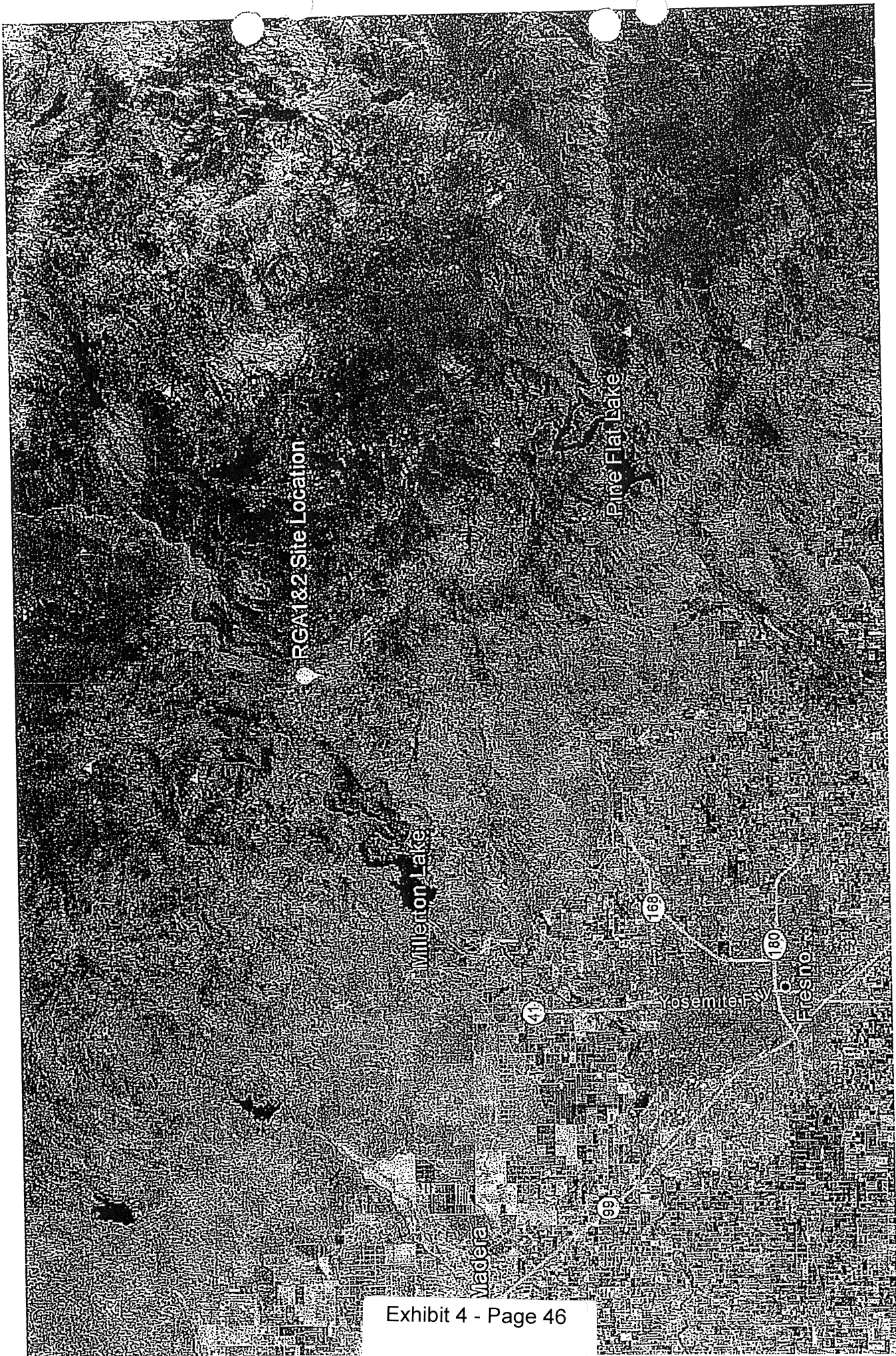
- Identify weeds, vegetation growth, insects, disease and vertebrate pests that may impact adjacent sites.
  - Identify-new threats
  - Create a log of regular reports/ record keeping
    - Photo files
    - Records of inspections
    - Records of weed treatment applications
    - Records of pest removal/treatment applications
  - Control/ Management Methods
    - Weed treatment and removal of brush or weeds.
    - Insect/vertebrate pest treatment and removal
9. The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.

Not Applicable, the solar site is located on M3 Heavy Industrial zone land.

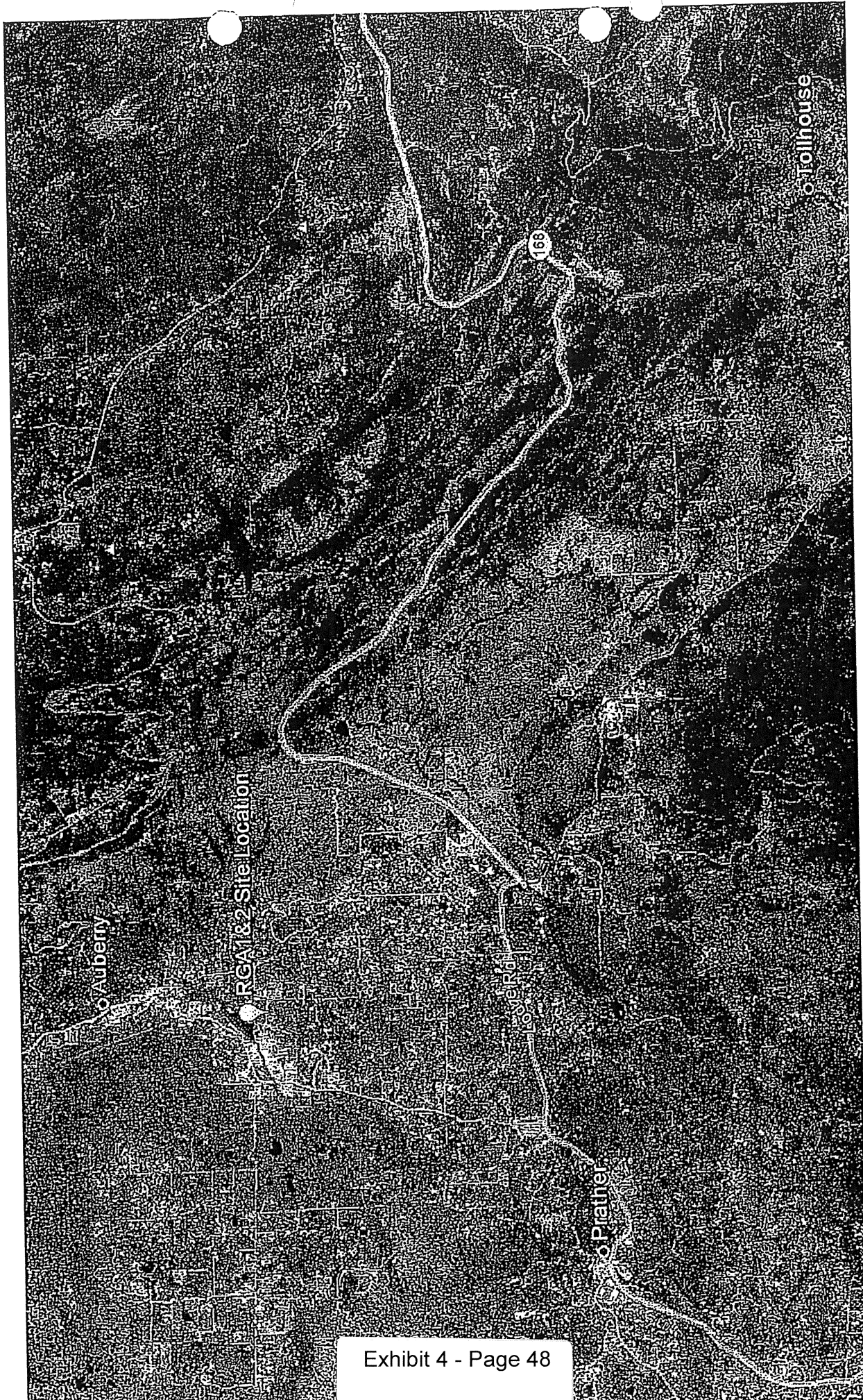
10. Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.

Applicant agrees to submit an updated new land use permit once the solar lease has expired.

# Appendix A

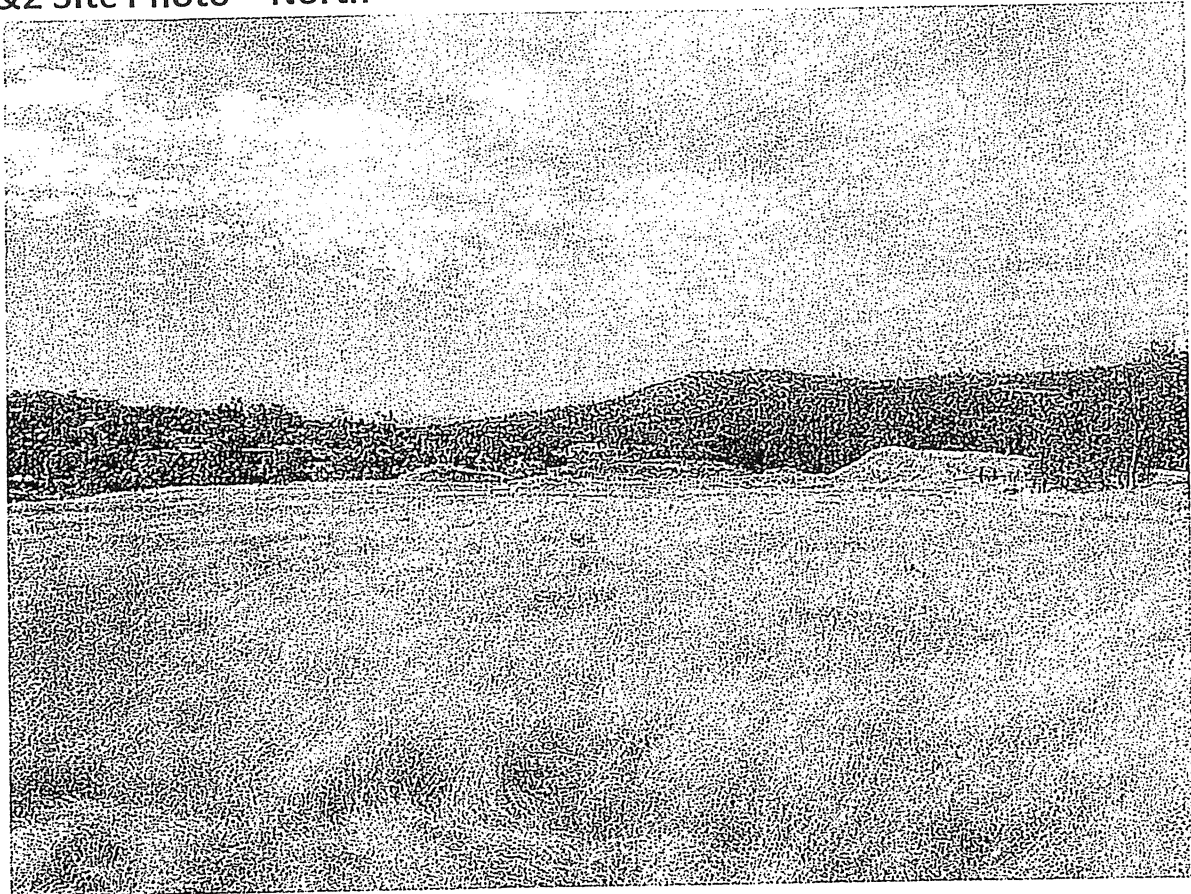


# Appendix B

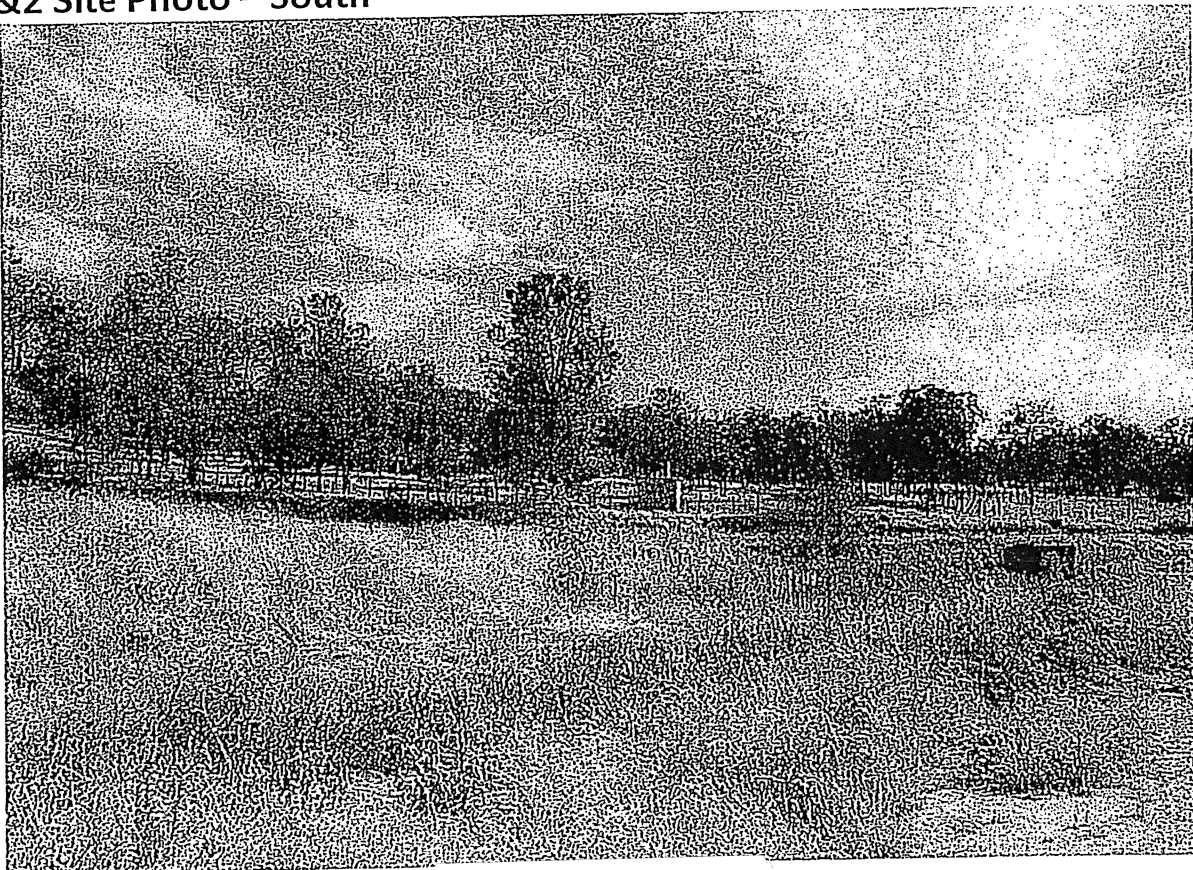


# Appendix C

RGA1&2 Site Photo – North

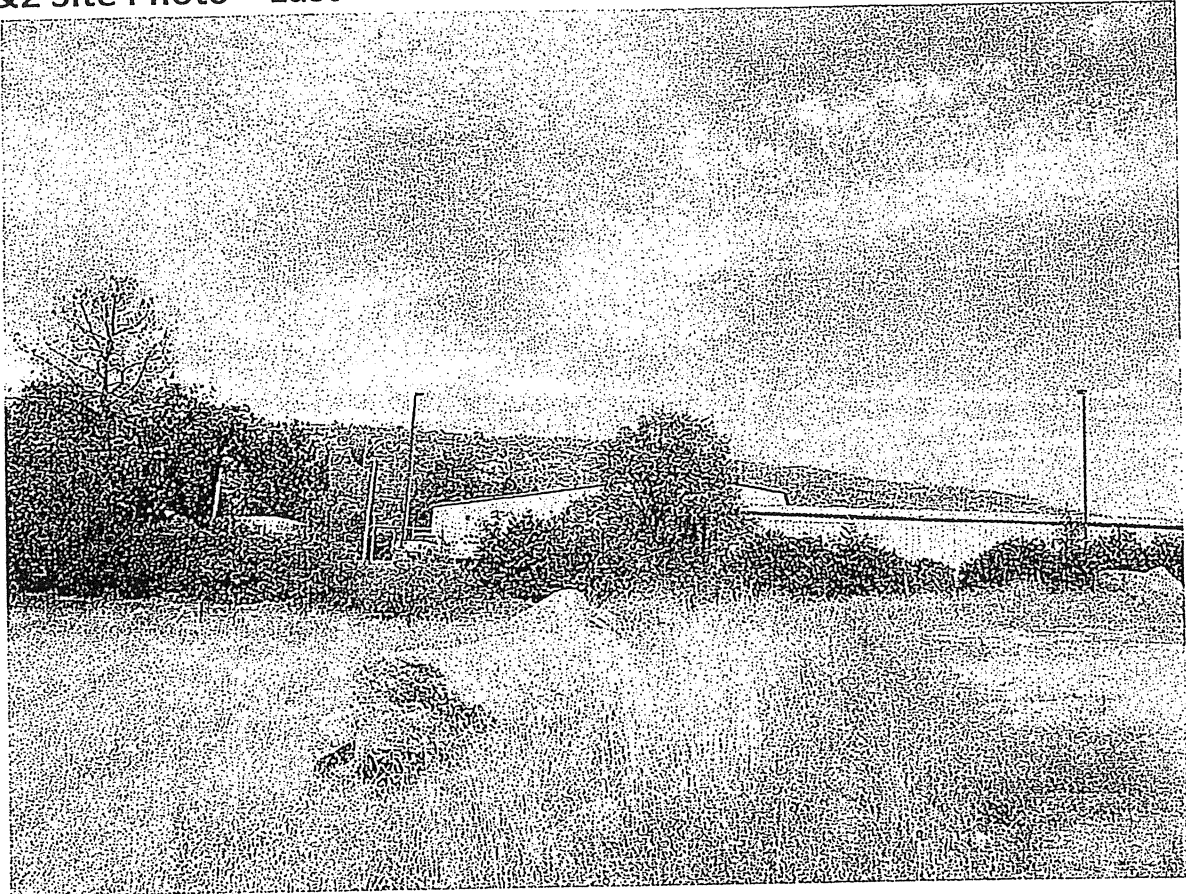


RGA1&2 Site Photo – South





RGA1&2 Site Photo – East



RGA1&2 Site Photo – West



# Appendix D



**Stewart Title of California, Inc**  
 7676 Hazard Center Dr., 14th Floor  
 San Diego, CA 92108  
 (619) 692-1600 Phone

**PRELIMINARY REPORT**

Order Number : 494356  
 Title Unit Number : 7034

Buyer/Borrower Name: :  
 Seller Name: : Kirk Ringgold Michele Dia

Property Address: 32180 Auberry Road, Auberry, California

In response to the above referenced application for a Policy of Title Insurance, Stewart Title of California, Inc. hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referenced to as an Exception on Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions, and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limits of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters, which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report, (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance a binder or commitment should be requested.

Dated as of: August 31, 2012 at 7:30 a.m.

Frank Green, Title Officer

**When replying, please contact Frank Green, Title Officer**

## PRELIMINARY REPORT

The form of Policy of Title Insurance contemplated by this report is:

- California Land Title Association Standard Coverage Policy
- American Land Title Association Owners Policy
- American Land Title Association Residential Title Insurance Policy
- American Land Title Association Loan Policy
- CLTA/ALTA Homeowners Policy
- ALTA Short Form Residential Loan Policy (06/16/07)
- 2006 ALTA Loan Policy

## SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Kirk Ringgold and Dia Michele Ringgold, husband and wife as joint tenants

## LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Fresno, Unincorporated Area, and described as follows:

The North half of the Northwest quarter of Section 17, Township 10 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof.

EXCEPTING THEREFROM that portion described as follows: Commencing at the Northwest corner of Section 17; thence Easterly 565 feet; thence South 276 feet; thence Southwesterly to a point on the West line of Section 17, 528 feet South of the Northwest corner thereof; thence North 528 feet to the point of commencement.

ALSO EXCEPTING THEREFROM that portion described as follows: Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 17; thence Westerly along the North line of the Northwest quarter 700 feet; thence at right angles South 276 feet; thence Northeasterly to the point of commencement

ALSO EXCEPTING THEREFROM that portion described as follows: Commencing at the Southwest corner of the Northwest quarter of the Northwest quarter of Section 17; thence Easterly 400 feet; thence at right angles North 377 feet; thence at right angles Westerly 400 feet to a point on the West line of Section 17 which is 377 feet North from the Southwest corner of the Northwest quarter of the Northwest quarter of Section 17; thence South 377 feet to the point of commencement.

ALSO EXCEPTING THEREFROM a strip of land 60 feet wide lying within the Northwest quarter of the Northwest quarter of said Section 17, as granted to the County of Fresno, by Deed recorded February 11, 1950 as Document No. 8517.

ALSO EXCEPTING THEREFROM that portion described as follows: Commencing at a point on the North line of Section 17, which point is 565 feet Easterly from the Northwest corner of Section 17, thence South 276 feet; thence Easterly to a point which is 276 feet South of a point on the North line of Section 17, which point is 700 feet Westerly from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 17; thence North 276 feet to a point on the North line of the Northwest quarter of the Northwest quarter of said Section 17, which point is 700 feet Westerly from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 17; thence Westerly along the North line of Section 17 to the point of commencement.

ALSO EXCEPTING THEREFROM that portion thereof described as follows: Commencing at the Northwest corner of said Section 17, thence South  $89^{\circ} 50' 00''$ , East, along the North line of the Northwest quarter of the Northwest quarter of said Section 17, a distance of 1281.70 feet; thence South  $00^{\circ} 10' 00''$  West, a distance of 19.71 feet to the true point of beginning; thence South  $26^{\circ} 19' 06''$  West, a distance of 20.22 feet; thence South  $33^{\circ} 58' 54''$  West, a distance of 40.50 feet; thence South  $77^{\circ} 34' 50''$  West, a distance of 38.56 feet; thence South  $83^{\circ} 28' 54''$  West, a distance of 119.53 feet; thence North  $68^{\circ} 37' 49''$  East, a distance of 201.90 feet to the true point of beginning.

Excepting therefrom any mobile situated thereon

APN: 128-450-58

(End of Legal Description)

## SCHEDULE B

At the date hereof, exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy or policies would be as follows:

### Taxes:

- A. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes, to be levied for the fiscal year 2012 – 2013.
- B. Said property has been declared tax defaulted for non-payment of delinquent taxes for the fiscal year 201 - 2012:
- Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:
- |         |                    |
|---------|--------------------|
| Amount: | \$11,787.16        |
| By:     | September 30, 2012 |
| Amount: | \$11,941.25        |
| By:     | October 31, 2012   |
- C. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California.
- D. Taxes and assessments levied by the Sierra Resource Conservation District District for the year(s) \*.

### Exceptions:

1. Water rights, claims or title to water in or under said land, whether or not shown by the public records.
2. Title to, and easements in, any portion of the land lying within any highways, roads, streets, or other ways.
3. An easement for public road and rights incidental thereto in favor of the County of Fresno as set forth in a document recorded February 15, 1889 in Book 91 of Deeds at Page 291.
4. An easement for public utilities and rights incidental thereto in favor of The Ponderosa Telephone Company as set forth in a document recorded February 2, 1970, as Instrument 7709, Book 5756, Page 551 of Official Records, affects as described therein.
5. Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:

Amount:	\$700,000.00
Dated:	February 21, 2007
Trustor:	Kirk Ringgold and Dia Michele Ringgold, husband and wife
Trustee:	Chicago Title Company
Beneficiary:	RCY Sierra Properties, LLC, a California limited liability company and Auberry Energy, LLC, an Idaho limited liability company
Recorded:	February 21, 2007, as Instrument 2007-0035669 of Official Records

The beneficial interest of Auberry Energy, LLC under said deed of trust was assigned to RCY Sierra Properties, LLC, a California limited liability company, by assignment recorded October 6, 2011, as Instrument 2011-0134929 of Official Records.

6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records
7. Any and all unrecorded leases.
8. Any facts, rights, interests or claims which are not disclosed by the public records but which could be ascertained by making inquiry of the parties in possession of the herein described land.
9. Any easements, liens (including but not limited to any Statutory Liens for labor or materials arising from any on-going or recently completed works of improvement), encumbrances, facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of the herein described land.
10. Discrepancies, conflicts in boundary lines, shortages in area, encroachments or any other facts which a correct survey of the herein described land would disclose which are not shown by the public records and the requirement that said survey meets with the minimum standards for ALTA/ACSM Land title surveys.

If ALTA Survey is obtained, said ALTA survey needs to be certified to both Stewart Title of California, Inc. and to Stewart Title Guaranty Company, our Underwriter.

(End of Exceptions)



## NOTES AND REQUIREMENTS

Property taxes, including general and special taxes, personal property taxes, if any and any assessments collected with taxes for the fiscal year shown below, For proration purposes the amounts are:

Fiscal Year: 2011-2012

1st Installment: \$5,136.32

2nd Installment: \$5,136.32

APN No.: 128-450-58

According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

This report is preparatory to the issuance of an ALTA loan Policy. We have no knowledge of any fact which would preclude the issuance of the policy with CLTA Endorsement Forms 100 and 116 and if applicable, 115 and 116.2 attached.

When issued, the CLTA Endorsement Form 116 or 116.2, if applicable will reference a(n)  
Commercial/Industrial, 32180 Auberry Road, Auberry, CA

The charge for a policy of title insurance, when issued through this title order, will be based on the basic rate.

The map attached, if any, may or may not be a survey of the land depicted hereon. Stewart Title expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

A Preliminary Change of Ownership Report must be completed by the transferee (buyer) prior to the transfer of property in accordance with the provisions of Section 480.3 of the Revenue and Taxation Code. The Preliminary Change of Ownership Report should be submitted to the recorder concurrent with the recordation of any document effecting a change of ownership. If a document evidencing a change of ownership (i.e. Deed, Affidavit-Death Joint Tenant) is presented to the recorder for recording without a preliminary change of ownership report, the recorder may charge an additional \$20.00

If your property is in San Francisco, it is the requirement of the City and County of San Francisco that a Transfer Tax affidavit to be completed and signed by the Grantor for each deed submitted for recording. This is an addition to a Preliminary Change of Ownership Report.

In addition to County Transfer Tax, any conveyance of the herein described property may be subject to a City Transfer and/or Conveyance Tax, as follows.

Alameda	\$12.00 per thousand
Albany	\$11.50 per thousand
Berkeley	\$15.00 per thousand
Cloverdale	\$1.10 per thousand
Cotati	\$1.90 per thousand
Culver City	\$4.50 per thousand
Hayward	\$4.50 per thousand
Los Angeles	\$4.50 per thousand

File Number: 494356

Page 7 of 9

Mountain View	\$3.30 per thousand
Oakland	\$15.00 per thousand
Palo Alto	\$3.30 per thousand
Petaluma	\$2.00 per thousand
Piedmont	\$13.00 per thousand
Pomona	\$2.20 per thousand
Redondo Beach	\$2.20 per thousand
Richmond	\$7.00 per thousand
Riverside	\$1.10 per thousand
Sacramento	\$2.75 per thousand
San Leandro	\$6.00 per thousand
City and County of San Francisco	Up to \$250,000 = \$5.00 per thousand \$250,000 to \$1,000,000 = \$6.80 per thousand \$1,000,000 to \$5,000,000 = \$7.50 per thousand \$5,000,000 to \$10,000,000 = \$20.00 per thousand Above \$10,000,000 = \$25.00 per thousand (Do not add the additional \$1.10 for County Tax, it is included.)
San Jose	\$3.30 per thousand
San Mateo	\$5.00 per thousand
San Rafael	\$2.00 per thousand
Santa Monica	\$3.00 per thousand
Santa Rosa	\$2.00 per thousand
Sebastopol	\$2.00 per thousand
Vallejo	\$3.30 per thousand
Waterford	\$0.55 per thousand
Winters	\$1.10 per thousand
Woodland	\$1.10 per thousand

**Additional Requirements for "Short Sale" Transactions in which a lender will accept less than the outstanding balance of its loan as full satisfaction of the obligation:**

The Company will require, prior to the issuance of a policy of title insurance, evidence that the first-position trust deed holder has received and acknowledged all payments to be made to subordinate-position lien holders, regardless of whether such payments are to be made from proceeds or from contributions by real estate brokers and/or buyers in the subject transaction, or from other third-party sources. Evidence shall include but not be limited to: (a) a written demand from the first-position trust deed holder acknowledging and approving payments to subordinate-position lien holders from proceeds and otherwise; or (b) a supplemental letter or amended demand from the first-position lien holder acknowledging payments to be made to subordinate lien holders from sources other than proceeds (including broker commissions and additional buyer deposits).

## CALIFORNIA "GOOD FUNDS" LAW

California Insurance Code Section 12413.1 regulates the disbursement of escrow and sub-escrow funds by title companies. The law requires that funds be deposited in the title company escrow account and available for withdrawal prior to disbursement. Funds received by Stewart Title of California, Inc. via wire transfer may be disbursed upon receipt. Funds received via cashier's checks or teller checks drawn on a California Bank may be disbursed on the next business day after the day of deposit. If funds are received by any other means, recording and/or disbursement may be delayed, and you should contact your title or escrow officer. All escrow and sub-escrow funds received will be deposited with other escrow funds in one or more non-interest bearing escrow accounts in a financial institution selected by Stewart Title of California, Inc.. Stewart Title of California, Inc. may receive certain direct or indirect benefits from the financial institution by reason of the deposit of such funds or the maintenance of such accounts with the financial institution, and Stewart Title of California, Inc. shall have no obligation to account to the depositing party in any manner for the value of, or to pay to such party, any benefit received by Stewart Title of California, Inc.. Such benefits shall be deemed additional compensation to Stewart Title of California, Inc. for its services in connection with the escrow or sub-escrow.

If any check submitted is dishonored upon presentation for payment, you are authorized to notify all principals and/or their respective agents of such nonpayment.

### Wire Instructions

If you anticipate having funds wired to Stewart Title of California, Inc., our wiring information is as follows:

Additional Note: Direct wire transfers to:

Union Bank  
530 "B" Street  
San Diego, CA 92101

Routing Number: 122-000-496  
Credit to Stewart Title of California, Inc.  
Account Number: 9120054632  
Reference Order Number: 494356  
Title Unit Number: 7034  
Title Officer Name: Frank Green

When instructing the financial institution to wire funds, it is very important that you reference Stewart Title of California, Inc.'s order number.

Should you have any questions in this regard please contact your title officer immediately.

4 4STG Privacy Notice 1 (Rev 01/26/09) Stewart Title Companies

**WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?**

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
For our everyday business purposes— to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes— to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes— information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and nonfinancial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes— information about your creditworthiness.	No	We don't share
For our affiliates to market to you	Yes	No
For nonaffiliates to market to you. Nonaffiliates are companies not related by common ownership or control. They can be financial and nonfinancial companies.	No	We don't share

We may disclose your personal information to our affiliates or to nonaffiliates as permitted by law. If you request a transaction with a nonaffiliate, such as a third party insurance company, we will disclose your personal information to that nonaffiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

Sharing practices	
How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>request insurance-related services</li> <li>provide such information to us</li> </ul> <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.
<b>Contact Us</b>	If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

CALIFORNIA LAND TITLE ASSOCIATION  
STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)  
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE**

**EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and
  - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.

CLTA Preliminary Report Form

4. Risks:
- a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
- a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.
- This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1 % of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:	1 % of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1 % of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1 % of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$5,000.00

2006 ALTA LOAN POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:



### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

### 2006 ALTA OWNER'S POLICY (06-17-06)

#### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

CLTA Preliminary Report Form

3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

## AFFILIATED BUSINESS ARRANGEMENT DISCLOSURE STATEMENT

Date: September 6, 2012

To : \_\_\_\_\_

Property: 32180 Auberry Road  
Auberry, California

From: Stewart Title of California, Inc.

This is to give you notice that Stewart Title of California, Inc. ("Stewart Title") has a business relationship with Stewart Solutions, LLC, DBA – Stewart Specialty Insurance Services, LLC ("Stewart Insurance"). Stewart Information Services Corporation owns 100% of Stewart Insurance and Stewart Title of California. Because of this relationship, this referral may provide Stewart Title a financial or other benefit.

Set forth below is the estimated charge or range of charges for the settlement services listed. You are NOT required to use the listed provider(s) as a condition for purchase, sale, or refinance of the subject Property. THERE ARE FREQUENTLY OTHER SETTLEMENT SERVICE PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.

<i>Stewart Insurance Settlement Service</i>	<i>Charge or range of charges</i>
Hazard Insurance	\$400.00 to \$6,500.00
Home Warranty	\$255.00 to \$ 780.00
Natural Hazard Disclosure Report	\$ 42.50 to 149.50

### ACKNOWLEDGMENT

I/we have read this disclosure form, and understand that Stewart Title is referring me/us to purchase the above-described settlement service(s) and may receive a financial or other benefit as the result of this referral.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Order No. 494356

## AVAILABLE DISCOUNTS DISCLOSURE STATEMENT

This is to give you notice that Stewart Title of California, Inc. ("Stewart Title") is pleased to inform you that upon proper qualification, there are premium discounts available upon the purchase of title insurance covering improved property with a one to four family residential dwelling.

Such discounts apply to and include:

Property located within an area proclaimed a state or federal disaster area;

Property purchased from a foreclosing beneficiary or successful bidder at a foreclosure sale;

Property being refinanced.

Please talk with your escrow or title officer to determine your qualification for any of these discounts.

## LEGAL DESCRIPTION

Order No.: 494356

Escrow No: 494356

The land referred to herein is situated in the State of California County of Fresno, Unincorporated and described as follows:

The North half of the Northwest quarter of Section 17, Township 10 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof.

EXCEPTING THEREFROM that portion described as follows: Commencing at the Northwest corner of Section 17; thence Easterly 565 feet; thence Southwesterly to a point on the West line of Section 17, 528 feet South of the Northwest corner thereof; thence North 528 feet to the point of commencement.

ALSO EXCEPTING THEREFROM that portion described as follows: Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 17; thence Westerly along the North line of the Northwest quarter 700 feet; thence at right angles South 276 feet; thence Northeasterly to the point of commencement

ALSO EXCEPTING THEREFROM that portion described as follows: Commencing at the Southwest corner of the Northwest quarter of the Northwest quarter of Section 17; thence Easterly 400 feet; thence at right angles North 377 feet; thence at right angles Westerly 400 feet to a point on the West line of Section 17 which is 377 feet North from the Southwest corner of the Northwest quarter of the Northwest quarter of Section 17; thence South 377 feet to the point of commencement.

ALSO EXCEPTING THEREFROM a strip of land 60 feet wide lying within the Northwest quarter of the Northwest quarter of said Section 17, as granted to the County of Fresno, by Deed recorded February 11, 1950 as Document No. 8517.

ALSO EXCEPTING THEREFROM that portion described as follows: Commencing at a point on the North line of Section 17, which point is 565 feet Easterly from the Northwest corner of Section 17, thence South 276 feet; thence Easterly to a point which is 276 feet South of a point on the North line of Section 17, which point is 700 feet Westerly from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 17; thence North 276 feet to a point on the North line of the Northwest quarter of the Northwest quarter of said Section 17, which point is 700 feet Westerly from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 17; thence Westerly along the North line of Section 17 to the point of commencement.

ALSO EXCEPTING THEREFROM that portion thereof described as follows: Commencing at the Northwest corner of said Section 17, thence South  $89^{\circ} 50' 00''$ , East, along the North line of the Northwest quarter of the Northwest quarter of said Section 17, a distance of 1281.70 feet; thence South  $00^{\circ} 10' 00''$  West, a distance of 19.71 feet to the true point of beginning; thence South  $26^{\circ} 19' 06''$  West, a distance of 20.22 feet; thence South  $33^{\circ} 58' 54''$  West, a distance of 40.50 feet; thence South  $77^{\circ} 34' 50''$  West, a distance of 38.56 feet; thence South  $83^{\circ} 28' 54''$  West, a distance of 119.53 feet; thence North  $68^{\circ} 37' 49''$  East, a distance of 201.90 feet to the true point of beginning.

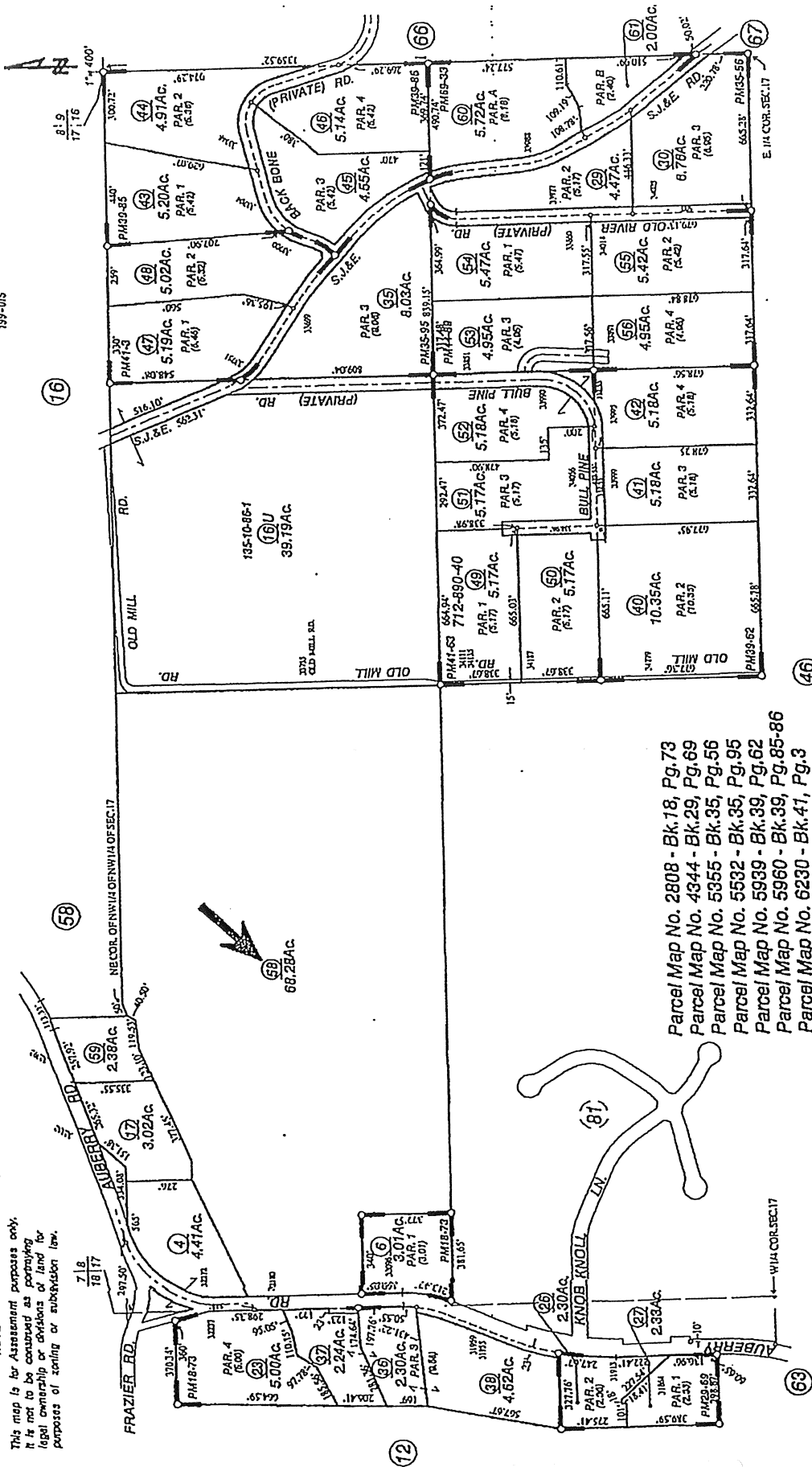
Excepting therefrom any mobile situated thereon

APN: 128-450-58

(End of Legal Description))

SUBDIVIDED LAND IN POR. SEC'S 8, 17 & 18, T.10S., R.23E., M.D.B.&M.

... NOTE ...  
This map is for Assessment purposes only.  
It is not to be construed as conveying  
legal ownership or divisions of land for  
purposes of zoning or subdivision law.



- Parcel Map No. 2808 - Bk.18, Pg.73
- Parcel Map No. 4344 - Bk.29, Pg.69
- Parcel Map No. 5355 - Bk.35, Pg.56
- Parcel Map No. 5532 - Bk.35, Pg.95
- Parcel Map No. 5939 - Bk.39, Pg.62
- Parcel Map No. 5960 - Bk.39, Pg.85-86
- Parcel Map No. 6230 - Bk.41, Pg.3
- Parcel Map No. 6282 - Bk.41, Pg.63
- Parcel Map No. 6634 - Bk.44, Pg.89-90
- Parcel Map No. 8005 - Bk.69, Pg.33

Assessor's Map Bk.128 - Pg. 45  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

# Appendix E



FRESNO COUNTY RECORDERS OFFICE

BOOK 5756 PAGE 551

# The Ponderosa Telephone Co.

RIGHT-OF-WAY EASEMENT

7709

County FRESNO  
 Township 10S  
 Range 23E  
 Map No. 128 - 120 - 37  
 Exchange AUBERRY

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, (whether one or more) \_\_\_\_\_  
K. R. L. INC.  
 (unmarried) (husband and wife), the receipt whereof is hereby acknowledged, do hereby grant unto THE PONDEROSA TELEPHONE CO., a corporation (hereafter called the "Company") whose post office address is O'Neals, California, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of FRESNO, State of California, and more particularly described as follows:

N 1/2 OF NW 1/4 LESS BEG. AT NW COR OF SEC TH ELY 565 FT TH S 276 FT TH SWLY TO A PT ON W LI OF SEC. 528 FT S OF NW COR TH N 528 FT TO BEG ALSO LESS COM AT NE COR OF NW 1/4 OF NW 1/4 TH WLY ALG N LI OF NW 1/4 700 FT TH S 276 FT TH NELY TO COM ALSO LESS S 377 FT OF W 333 400 FT OF SW 1/4 OF NW 1/4 OF NW 1/4 ALSO LESS ROAD 68.71 AC SEC 17 T10 R23.

BURIED CABLE TO BE BURIED 24" DEEP IN A PORTION 20' WIDE OF WHICH THE CENTER LINE WILL BE 15 FT. EAST OF THE WEST BOUNDARY FOLLOWING AUBERRY RD. AS INDICATED ON ATTACHED SKETCH.

GRANTEE AGREES THAT IT SHALL AT IT'S EXPENSE & RECOVER AND REBURY AT DEEPER DEPTHS SUCH BURIED CABLE. SHOULD IT BECOME NECESSARY FOR THE REASONABLE USE OF THE PROPERTY BY THE GRANTEE.

RECORDED IN OFFICIAL RECORDS OF
FRESNO COUNTY, CALIFORNIA
AT <u>7:02</u> AM, PAST <u>2:00</u> M
<u>FEB 2</u> 1970
J. J. BROWN, County Recorder

and to construct, reconstruct, operate, and maintain on or under the above described lands and in, upon or under all streets, roads or highways abutting said lands, a telephone line or system, to cut, trim, and spray trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said line or system and to license, permit or otherwise agree to the joint use or occupancy of said line or system by any other person, firm or corporation for telephone or electrification purposes.

The undersigned agrees that all poles, wire and other facilities, including all telephone equipment, installed on the above described premises of the Company's expense, shall remain the property of the Company, removable at the option of the Company.

The grantor shall not be liable for damages to buried telephone cable on his property.

The grantor, K.R.L. INC., heirs or assigns, shall be entitled to recover from the grantee the reasonable amount of any damage caused to crops, fences, or livestock by the grantee or its employees in the construction, reconstruction, operation, maintenance or removal of said communication system.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 26th day of January, 19 70

Signed, Sealed and Delivered in the presence of:  
Etel. L. DeLeon  
L. Vance Taylor

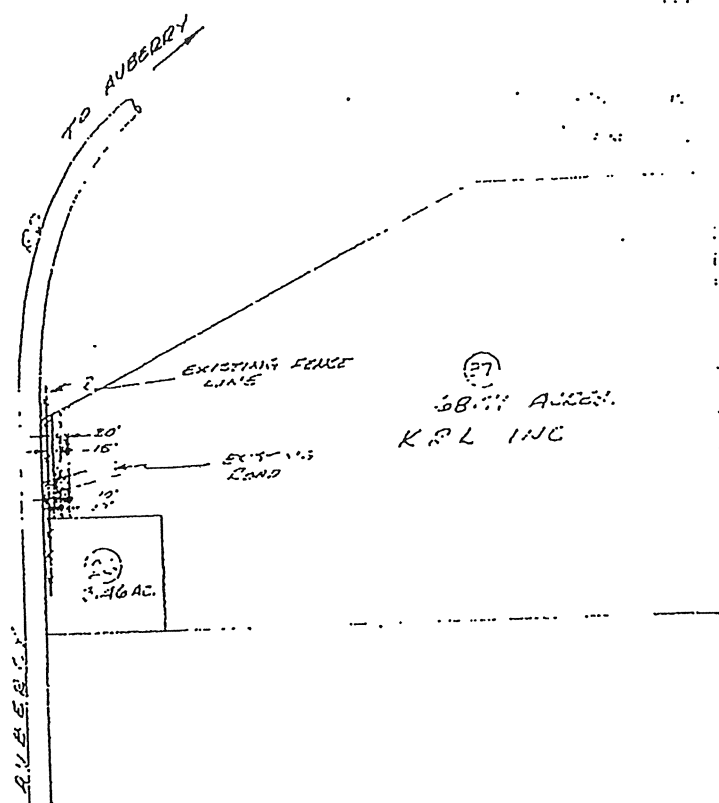
George Howard Taylor  
By Robert B. Tetter (L.S.)  
 President (L.S.)

STATE OF CALIFORNIA)  
 COUNTY OF FRESNO ) SS.

On this 29 day of Jan., 1970, appeared before me A. Vance Taylor to me personally known to be the person whose name is subscribed to this instrument as a subscribing witness, who being first duly sworn, says that Robert B. Tetter, whose name is subscribed to the instrument as part of the first part is the person described in it, that such person executed it in his presence and that the witness subscribed his name thereto as a witness.

OFFICIAL SEAL  
 CLARA QUALLS  
 NOTARY PUBLIC CALIFORNIA  
 PRINCIPAL OFFICE IN  
 FRESNO COUNTY

Clara Qualls  
 Notary Public of County of Fresno  
 State of California  
 My Commission expires Sept. 14, 1971



NO SCALE  
ASSESSORS MAP  
128-120-37

# Appendix F

Know all Men by these Presents,  
That I J. F. Blair of the County of Fresno State  
of California, for <sup>no</sup> in consideration of the sum of  
one dollar, to me this day paid, the receipt  
whereof is hereby acknowledged, do hereby grant  
bargain, sell, convey <sup>and</sup> confirm unto the County  
of Fresno in said State, the Right of Way for  
a public road, <sup>and</sup> all the incidents thereto, over  
<sup>and</sup> through the following lands, situate in Road  
District No 6, in said County <sup>and</sup> State to-wit:

Running North along the West side of North  
west quarter of Section seventeen <sup>and</sup> North easterly  
through South east quarter of South east quarter  
of Section eight Township ten South <sup>and</sup> twenty  
three East Mount Diablo Base <sup>and</sup> Meridian  
Survey of C. D. Davis.

I am witness whereof, I have hereunto set  
my hand <sup>and</sup> seal this 7th day of February A. D. 1889  
Signed <sup>and</sup> executed }  
in presence of } J. F. Blair. J.F.B.  
Wm H. Perkins.

State of California }  
County of Fresno. }  
On this 8th day of February A. D.  
One thousand eight hundred <sup>and</sup> eighty nine  
before me, A. C. Williams County Clerk <sup>and</sup> ex  
officio Clerk of the Superior Court in <sup>and</sup> for the  
said County, personally appeared Wm H. Perkins  
personally known to me to be the same person  
whose name is subscribed to the foregoing in-  
strument, <sup>and</sup> a witness thereto, who being by me  
duly sworn, deposed <sup>and</sup> said that he recited in  
Fresno Co. Cal. that he was present <sup>and</sup> paid  
J. F. Blair <sup>and</sup> the same to him to be the

# Appendix G

2816

435

WITNESS our hands this 30th day of January, 1950  
DELL H. VOIGT  
ZETTA P. VOIGT

2.20

State of California, ) ss.  
County of Fresno )

On this 30th day of January, 1950, before me, John B. Hall, a Notary Public in and for said County and State, personally appeared Dell H. Voigt & Zetta P. Voigt, known to me to be the persons described in and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Witness my hand and Official Seal the day and year in this certificate first above written.

(SEAL) JOHN B. HALL Notary Public  
in and for said County and State

(ENDORSED) DEED Joint Tenancy Voigt, Dell H., Zetta P. To Harikian, Aram - Rose Dated: January 30, 1950

Recorded at request of The Home Title Co. at 26 min. past 11 AM Vol. 2816  
Official Records, Pg. 434 et seq., Feb 10 1950 Fresno County, California  
I.E. PAREY, County Recorder  
3/1.70  
3386-D By W.H. WATSON Deputy Recorder

*Return*

-----0-----

DEED-JOINT TENANCY

Vessie Vernon Echols and Arnilda E. Echols, husband and wife, in consideration of Ten and No/100 Dollars to us in hand paid, the receipt of which is hereby acknowledged, do hereby Grant to Fred A. Green and Thelma L. Green, husband and wife, As Joint Tenants all that real property situated in the County of Fresno, State of California, described as follows:

3.30

The Northeast quarter of the Southwest quarter of Section 18, Township 13 South, Range 23 East, Mount Diablo Base and Meridian.

WITNESS our hands this 8th day of January, 1950.  
VESSIE VERNON ECHOLS  
ARNILDA E. ECHOLS

State of California, ) ss.  
County of Fresno )

On this 8th day of January, 1950, before me, John B. Hall, a Notary Public in and for said County and State, personally appeared Vessie Vernon Echols & Arnilda E. Echols, known to me to be the persons described in and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Witness my hand and Official Seal the day and year in this certificate first above written.

(SEAL) JOHN B. HALL Notary Public  
in and for said County and State

(ENDORSED) DEED Joint Tenancy Echols, Vessie Vernon, Arnilda E. To Green, Fred A. Thelma L. Dated: January 8, 1950

Recorded at request of The Home Title Co. at 26 min. past 11 AM Vol. 2816  
Official Records, Pg. 435 Feb 10 1950 Fresno County, California  
I.E. PAREY, County Recorder  
5/1.70  
8404-D By W.H. WATSON Deputy Recorder

*Return*

-----0-----

District No. 2

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO

WHEREAS, the County of Fresno desires to obtain a right-of-way for a road over and across that certain real property situate in the County of Fresno, State of California, and described as follows, to-wit:

A strip of land sixty feet in width to include all land twenty-five feet east of and thirty five feet west of a line described as follows:  
Commencing at a point in Section 17, Township 10 South,

Range 23 East M.D.B. & M., which bears south 3° 57' east a distance of 608.48 feet from the northwest corner of said Section 17, thence north 1° 56' east a distance of 250.00 feet,

Also a strip of land sixty feet in width the centerline of which is described as follows:

Commencing at a point in Section 17, Township 10 South, Range 23 East, M.D.B. & M., which bears south 8° 01' east a distance of 360.70 feet from the northwest corner of said Section 17, thence north 1° 56' east a distance of 51.40 feet, thence curving to the right on the arc of a 325.00 foot radius circle tangent thereto, a distance of 396.29 feet, thence north 71° 39' east a distance of 24.06 feet to a point on the north section line of Section 17, which bears south 89° 50' east a distance of 297.50 feet from the northwest corner of said Section 17;

AND, WHEREAS, Stewart Armstrong and Ruth S. Armstrong tendered a deed to the said County of Fresno for such right-of-way.

HON, THEREFORE, be it Resolved by the Board of Supervisors of the said County of Fresno that said deed be accepted and it is hereby ordered that the Clerk of the Board of Supervisors be instructed to record said deed in the office of the County Recorder of the County of Fresno.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Fresno on the 7th day of February, 1950, by the unanimous vote of said Board.

State of California, )  
County of Fresno ) ss.

I, E. Dusenberry, County Clerk and ex-officio Clerk of the Board of Supervisors of said Fresno County, do hereby certify the foregoing to be a full, true and correct copy of the original Resolution of the Board of Supervisors of said County and State, now on file in my office, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board of Supervisors this 7th day of February, 1950.

E. DUSENBERRY County Clerk and  
Ex-Officio Clerk of said Board of Supervisors.  
By OEU. M. FURNEAUX Deputy Clerk

(CORPORATE SEAL)

KNOW ALL MEN BY THESE PRESENTS:

THAT Stewart Armstrong and Ruth S. Armstrong for value received, doth hereby grant, bargain, sell, convey and confirm unto the County of Fresno, a public corporation in the State of California, the Right of Way for a Public Road, and all the incidents thereto, on, over and through the real property situate in Road District No. 2 in said County of Fresno, State of California, described as follows; to-wit:

A strip of land sixty feet in width to include all land twenty-five feet east of and thirty five feet west of a line described as follows:  
Commencing at a point in Section 17, Township 10 South, Range 23 East M.D.B. & N., which bears south 3° 57' east a distance of 608.48 feet from the northwest corner of said Section 17, thence north 1° 56' east a distance of 250.00 feet.

Also a strip of land sixty feet in width the centerline of which is described as follows:

Commencing at a point in Section 17, Township 10 South, Range 23 East M.D.B. & M., which bears south 8° 01' east a distance of 360.70 feet from the northwest corner of said Section 17, thence north 1° 56' east a distance of 51.40 feet, thence curving to the right on the arc of a 325.00 foot radius circle tangent thereto, a distance of 396.29 feet, thence north 71° 39' east a distance of 24.06 feet to a point on the north section line of Section 17, which bears south 89° 50' east a distance of 297.50 feet from the northwest corner of said Section 17.

Witness our hands this day of Feb 4, 1950.

Signed and executed in the presence  
of LAURENCE A. ROOT.

STEWART ARMSTRONG (Seal)  
RUTH S. ARMSTRONG (Seal)

State of California, )  
County of Fresno ) ss.

On this 6th day of February, in the year 1950, before me, E. Dusenberry, County Clerk, and Ex-officio Clerk of the Superior Court, in and for said County and State, personally appeared Laurence A. Root known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly sworn, deposed and said: That he resides in the County of Fresno, State of California; that he was present and saw Stewart Armstrong and Ruth S. Armstrong, personally known to him to be the persons described in, whose names are subscribed to and who executed the said instrument as a party thereto, sign, seal, execute and deliver the same; and that the said Stewart Armstrong and Ruth S. Armstrong duly acknowledged in the presence of

affiant that they executed the same; and that he the said affiant, thereupon, then and there subscribed his name to said instrument as a witness.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.  
(SEAL) E, DOSENBERRY County Clerk and Ex-Officio Clerk of the Superior Court By MARIE CARNAHAN Deputy.

(ENDORSED) DEED Stewart Armstrong and Ruth S. Armstrong To Fresno County Dated \_\_, 1949 Recorded at the request of Fresno County Feb 11 1950, at 54 min. past 9 AM in Vol. 2816 of Official Records, page 435 et seq., Records of Fresno County, California I.E. FARLEY Recorder By J.G. GUEMAN Deputy.

*Handwritten signature*

Allen L. Martin  
319 Brix Building  
Fresno 1, California  
Telephone 3-7849  
Attorney for Administratrix  
with the Will Annexed.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF FRESNO.

In the Matter of the Estate ) No. 22501 Dept. 4  
of ) DECREE ESTABLISHING FIRST AND FINAL ACCOUNT OF  
Jennie Alma Harris, also known ) ADMINISTRATRIX WITH THE WILL ANNEXED, AND  
as Jennie A. Harris, ) DECREASING DISTRIBUTION.  
Deceased. )

Dorothy E. Harris, administratrix with the will annexed of the estate of Jennie Alma Harris, also known as Jennie A. Harris, Deceased, having on the 26th. day of January, 1950, rendered and filed herein a full account and report of her administration of said estate, which said account was for final settlement of said estate, and having with said account filed a petition for the final distribution of said estate, and said account and petition having been duly and regularly set for hearing for the 9th. day of February, 1950, and proof having been made to the satisfaction of the court that the clerk had given notice of the settlement of said account and the hearing of said petition, in the manner and for the time required by law, the Court finds:

- 1. That said account is in all respects true and correct and that it is supported by proper vouchers.
- 2. That due and legal notice to creditors of said estate has been given in the manner and for the time required by law.
- 3. That all claims and debts against said decedent and against said estate, and all personal property taxes due and payable by said estate, and expenses and charges of administration have been fully paid and discharged; that there was no inheritance taxes due on said estate or any interest therein, and that said estate is ready for distribution and now in a condition to be closed.
- 4. That said administratrix with the will annexed has advanced from her own funds the sum of \$1571.88 for the costs and expenses in the administration of said estate, and waives reimbursement thereof, and she also waives the collection of the statutory fee payable to her for services as administratrix with the will annexed, and the statutory fee in the sum of \$170.00 payable to Allen L. Martin, attorney for said administratrix with the will annexed, has been paid.
- 5. That under the terms of the last will and testament of said deceased, Dorothy E. Harris and Herbert A. Harris are entitled to have the whole of the property of said estate distributed to them in equal shares, together with any estate or property of the deceased not now known or discovered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the final account of said administratrix with the will annexed be, and the same is hereby finally settled, allowed and approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the residue of said estate herein after particularly described, and any other property not now known or discovered, which

E.I.K.  
Judge



# Appendix H

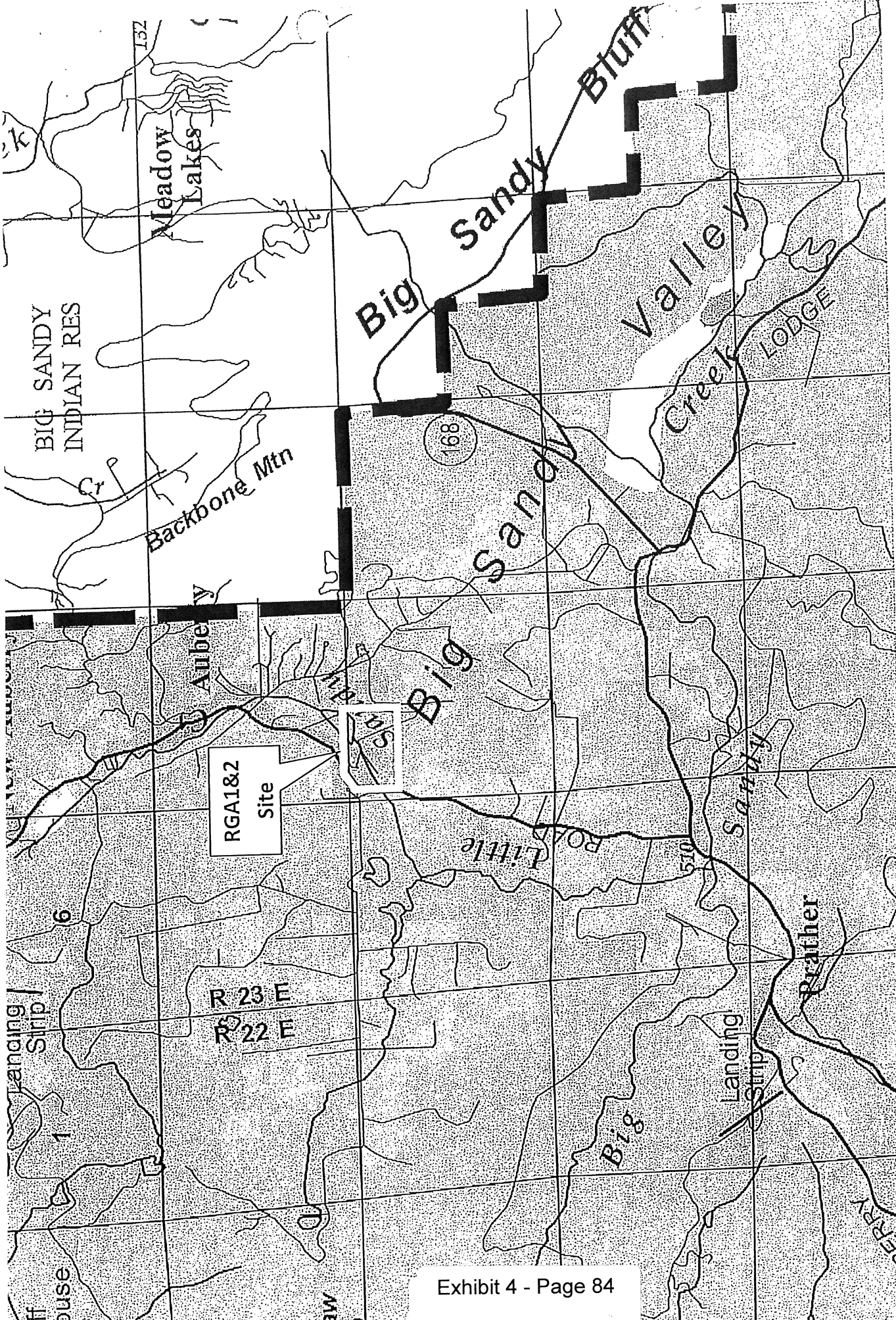


Exhibit 4 - Page 84

NONAGRICULTURAL AND NATURAL VEGETATION - 33,466 acres

NONAGRICULTURAL AND NATURAL VEGETATION INCLUDES HAWAIIAN GARDENS, BUSHY OAK WOODLANDS, RIVERBANK AND WETLANDS ALONG WITH OTHER NATURAL VEGETATION. THIS CATEGORY DOES NOT INCLUDE LANDS WITH AGRICULTURAL OR NATURAL VEGETATION. QUALITY FOR CROPPING AND RECREATIONAL WATER USE LANDS, CONSTRUCTED WETLANDS ARE ALSO INCLUDED IN THIS CATEGORY.

URBAN AND BUILT-UP LAND - 117,568 acres

URBAN AND BUILT-UP LAND IS DEFINED BY STRUCTURES WITH A FLOORING DENSITY OF AT LEAST 1 UNIT TO 15 ACRES. OR ANY OTHER STRUCTURAL, COMMERCIAL, INSTITUTIONAL, FACILITIES, CEMETERIES, AIRWAYS, GOLF COURSES, SANITARY LANDFILLS, AIRWATER TREATMENT, AND WATER CONTROL STRUCTURES.

# Appendix I

PCL XL error

Subsystem: KERNEL

Error: IllegalOperatorSequence

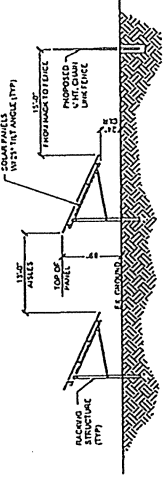
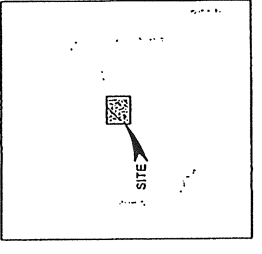
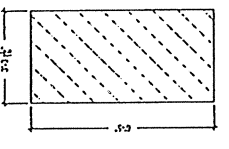
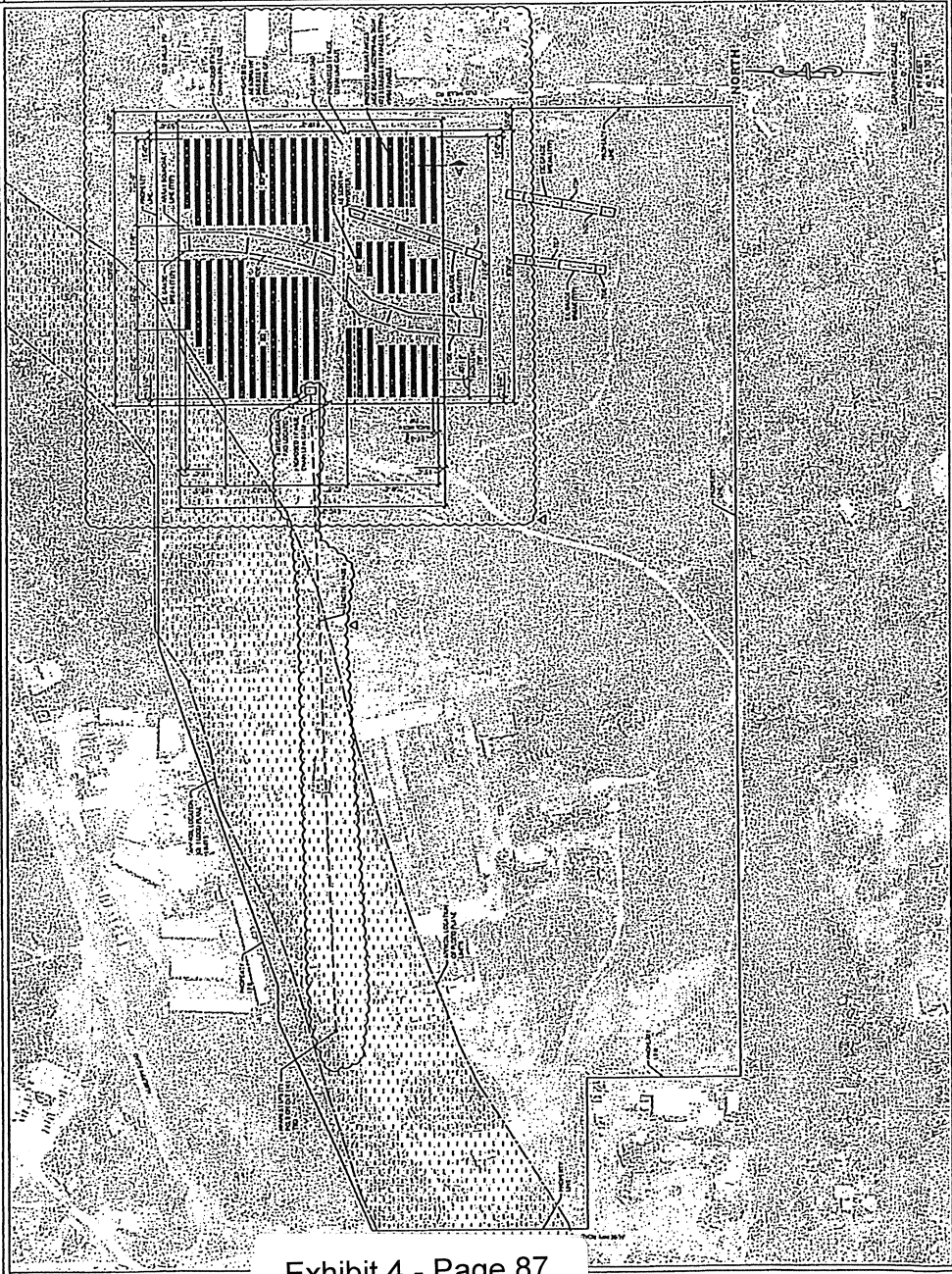
Operator: SetPageScale

Position: 139049

# PROPOSED SOLAR POWER INSTALLATION

SH3 SOLAR, LLC - 1.33 MW AC  
 32180 AUBERRY RD., AUBERRY, CA 93602  
 APN: 128-450-58

<p>3115 LOCKWOOD AVENUE, #1          OAKLAND, CA 94618          TEL: 706.633.1115          WWW.CENERGY.COM</p> <p><b>CENERGY</b>          POWER          A DIVISION OF EUPHORIA CORPORATION          AN INDUSTRY LEADER</p>	<p>DATE: 10/20/2011</p> <p>DESIGNED BY: DICKSON</p> <p>APPROVED BY: [Signature]</p>	<p>PROJECT NO. 1011</p> <p>SHEET NO. 1011</p> <p>PROJECT: SOLAR INSTALLATION</p>	<p>DATE: 10/20/2011</p> <p>DRAWN BY: J. [Signature]</p> <p>PROJECT: SH3 SOLAR, LLC AUBERRY PROPOSED SOLAR SYSTEM INSTALLATION</p>
---	---	--	---



OWNER: SH3 SOLAR, LLC  
 LOCATION: 32180 AUBERRY ROAD, AUBERRY, CA 93602  
 APN: 128-450-58

PROJECT DESCRIPTION:  
 INSTALLATION OF AIDE SOLAR PANELS: AD15P6A-A, 215W  
 GROUND MOUNT:  
 TOTAL PANELS: 5664 PANELS

INVERTER: 1 UNIT - ADVANCED ENERGY AE 500KVA W/ 1 UNIT - ADVANCED ENERGY AE 333KVA W/

SOLAR PANEL QUANTITY: 5664 SOLAR PANELS PER ARRAY (48 FT. SOLAR PANELS) 5664 X 17.5' X 6.5' STATIC MOUNT, TOTAL 178, 428 KVA. TOTAL 428 KVA.

RACKING: S-CLETT RACKING SYSTEM, ALUMINUM FIXED GROUND RACKS W/ GALVANIZED STEEL POSTS.

ARRAY TILT = 25°  
 ARRAY AZIMUTH = 10°

SWITCHGEAR: SWITCHGEAR INSTALLATION  
 FENCE: PERIMETER FENCE TO BE 6' HEIGHT AND 12' CLEARANCE.  
 TOTAL AREA OUTSIDE PERIMETER FENCE = 6.214 ACRES (APPROX).  
 TOTAL CAPACITY = 1.6742 MW (1.333 MW AC).

OVERALL SOLAR POWER SITE LAYOUT

PROJECT DATA

# PROPOSED SOLAR POWER INSTALLATION

RGA 2 SSU PROJECT - 1.75 MW AC  
 32180 AUBERRY RD., AUBERRY, CA 93602  
 APN: 128-450-58

**CENERGY POWER**  
 A DIVISION OF SUN POWER CORPORATION  
 3175 LINDERO AVENUE, #1  
 DUBLIN, CA 94568  
 OFFICE: 760.621.1118  
 FAX: 760.621.1118  
 www.cenergy.com

REGISTERED DATE	10/19/2012
APPROVED	
NO. OF SHEETS	1
NO. OF SHEETS USED	1

PROJECT: RGA 2 SSU PROJECT  
 SHEET NO: SP-1  
 SHEET TITLE: PROPOSED SOLAR SYSTEM INSTALLATION  
 ADDRESS: 32180 AUBERRY RD, AUBERRY, CA 93602

DATE: 10/19/2012	PROJECT: RGA 2 SSU PROJECT
SHEET NO: SP-1	SHEET TITLE: PROPOSED SOLAR SYSTEM INSTALLATION

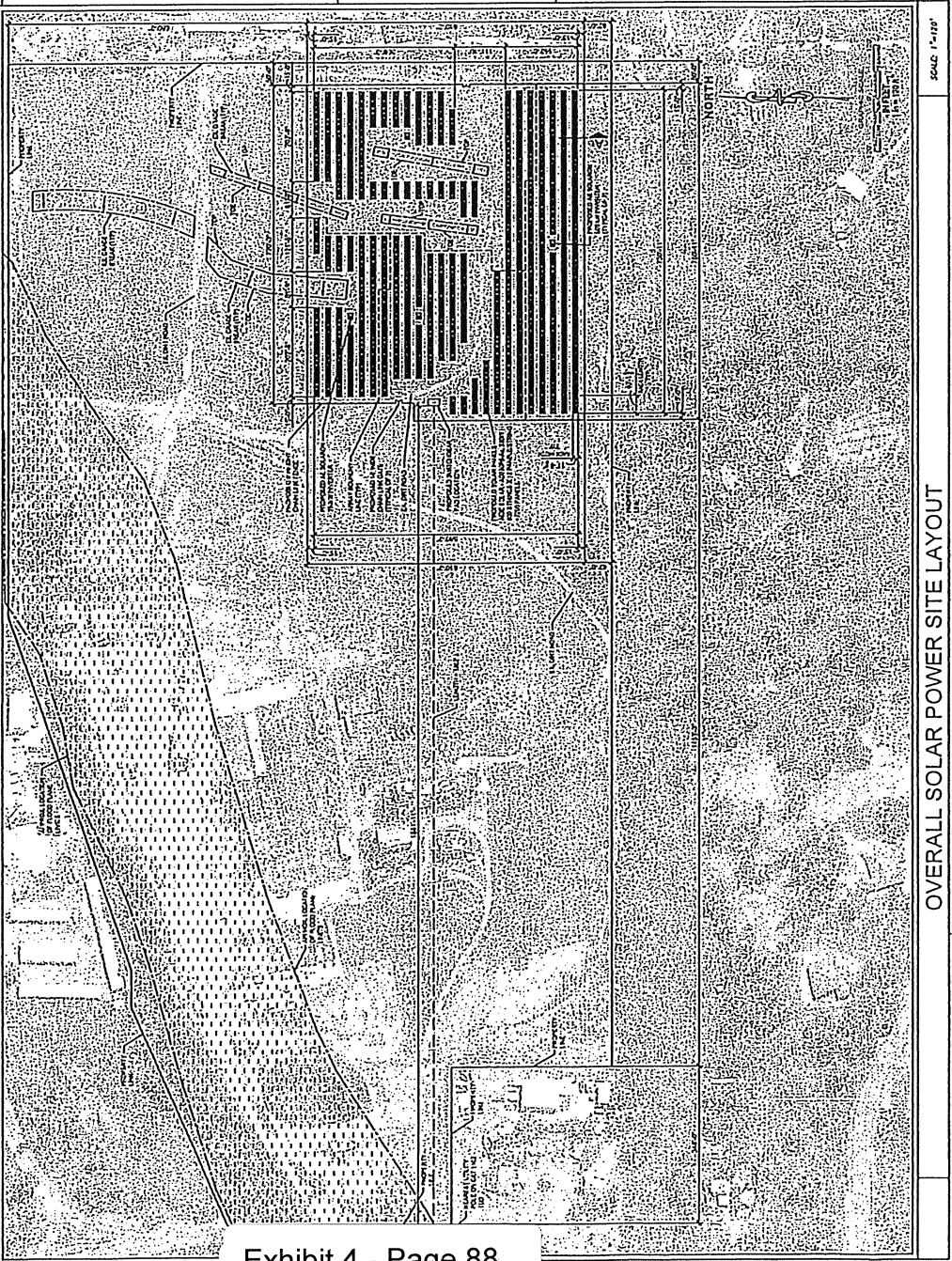
**SOLAR PANEL LAYOUT**  
N.T.S.

**VICINITY MAP**  
N.T.S.

**SECTION A**  
N.T.S.

**PROJECT DATA**

OWNER: RGA 2 SSU PROJECT, AUBERRY ROAD, AUBERRY, CA 93602  
 LOCATION: AUBERRY, CA 93602  
 APN: 128-450-58  
 PROJECT DESCRIPTION:  
 INSTALLATION OF AIDE SOLAR PANELS-AD120P/6A-3, 280W  
 7200 PANELS  
 GROUND HEIGHT:  
 TOTAL PANELS: 7200 PANELS  
 INVERTER: 3 UNIT - ADVANCED ENERGY: SOLARON 500 RW,  
 1 UNIT - ADVANCED ENERGY: SOLARON 250 RW,  
 SOLAR PANEL QUANTITY: 24x280W PANELS PER ARRAY UNIT.  
 SOLAR ARRAY UNITS: 84 X 3 STATIC HEIGHT, TOTAL 252,  
 TOTAL ARRAY HEIGHT: 11', TOTAL AC: 1.75 MW  
 TOTAL ARRAY 2000.  
 RACKING: SCHLEIFER RACKING SYSTEM  
 ALUMINUM FRAMED GROUND PIGS W/ GALVANNEED STEEL POSTS,  
 ARRAY TILT = 25°  
 ARRAY AZIMUTH = 190°  
 SWITCHGEAR: 1 SWITCHGEAR INSTALLATION  
 FENCE: PERIMETER FENCE TO BE 6'-HEIGHT AND 15' CLEARANCE  
 TOTAL AREA INSIDE PERIMETER FENCE = 10.44 ACRES (APPROX),  
 TOTAL CAPACITY = 2,0160 KW/DC STC (1.75 MW/AC)



OVERALL SOLAR POWER SITE LAYOUT

SCALE: 1"=100'

# Appendix J

## J. Site Reclamation Plan

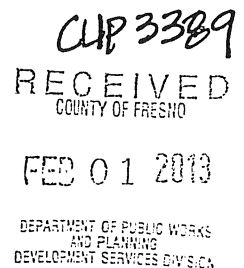
We propose the following site reclamation plan for the Project at the end of the 30 year land lease and termination of the solar facility operations.

### J.1 Reclamation Plan Criteria and Planning

The goal of our reclamation plan is to make possible the cost-effective and efficient removal of the installed power generation equipment and return the site to a condition as close to a pre-construction state as feasible. The procedures described for reclamation are designed to ensure public health and safety, environmental protection, and compliance with applicable regulations.

The major activities required for the reclamation are:

- Solar panel and racking structure removal;
- Electrical system removal;
- Steel posts or structural foundation removal; and
- Re-grading.



The proposed implementation strategy to achieve the goals for site reclamation would include the following:

- Use of industry standard demolition means and methods to decrease personnel and safety exposures ;
- Conduct pre-reclamation activities such as restoration planning that addresses the "as-found" site conditions at the start of the project;
- Demolition of the above-ground structures (dismantling and removal of improvements and materials) in a phased approach while still using some items until close to the end of the project. For instance, some electrical power components will be modified to be used until very late in the reclamation;
- Demolition and removal of below-ground facilities (floor slabs, footings, and underground utilities) as needed to meet the reclamation goals;
- Disposal of materials in appropriate facilities for treatment / disposal or recycling; and
- Recontouring of lines and grades to match the original gradient and function of the site.

### J.2 Reclamation Schedule

The reclamation of the solar plant facility would begin 30 years after the commercial operation date of the project ("Lease Period"). The reclamation of the site will be completed approximately 1-2 months after conclusion of the Lease Period.

The reclamation process is relatively simple, and there are no hazardous chemicals/materials to be removed. Reclamation will be completed using traditional heavy construction equipment including but not limited to front end loaders, cranes, bull



dozers, and scrapers. Dismantling will proceed according to the following general staging process. The first stage consists of dismantling and demolition of above-ground structures to be removed. The second stage consists of removal/dismantling of underground utilities. The third stage involves site contouring to return the disturbed area of the site to near original conditions while disturbing as little other site areas as possible.

### **J.3 Stages of Reclamation Plan**

#### **Stage 1: Dismantle & Demolition of Above Grade Structure – 2 Weeks**

Above ground demolition entails breakdown and removal of above-ground structures. Residual materials from these activities would be transported via heavy haul dump truck to one or more central recycling / staging areas where the debris will be processed for transport to an off site recycler.

The strategy for demolition consists of the use of mechanized equipment and trained personnel in the safe dismantling and removal of the following above-ground structure:

- Removal of Solar Panels, metal racking structure and related equipment using low environmental impact equipment;
- Near the very end of the project, the removal of site related fencing.

#### **Stage 2: Remove & Dismantle Underground Utilities – 3 Weeks**

The below-ground facilities to be removed include concrete slabs, metal posts and footings. It is anticipated that any and all site related piping and utilities, below ground electric / control / communication lines would be completely removed, regardless of the depth below final grade. These materials would be excavated and transported to the recycling area(s) for processing and ultimate recycling. The resulting trenches would be backfilled with suitable material of similar consistency and permeability as the surrounding native soils and compacted to 85 percent relative compaction.

#### **Stage 3: Final Site Contour – 1 Week**

Recontouring of the site would be conducted using standard grading equipment to return the land to a substantially similar condition of the previously existing surface and surrounding grade and function. Grading activities would be limited to previously disturbed areas that require recontouring. Efforts would be made to disturb as little of the natural drainage as possible. Fills would be compacted to approximately 85 percent relative compaction by wheel or track rolling to avoid over-compaction of the soils. To the extent feasible, efforts would be made to place a layer of coarser materials at the ground surface to add stability.

### **J.4 Reclamation Plan Financial Assurance**

Financial assurance can be provided to ensure implementation of the reclamation plan. An engineering cost estimate of reclaiming the site to its previous condition in Appendix M. Pursuant to Appendix M, the reclamation plan costs are expected to be about \$108,410 while the salvage value of the solar facility assets are estimated to be \$405,714. Hence, the owner of the solar facility will be economically incentivized to complete the reclamation plan, and any costly financial assurance would be unwarranted

at this time. The form of financial assurance will comply with Section 66499 of the California Government Code, et. seq. The property owners have been notified of the Reclamation Plan (see Appendix K).

Recent examples of reclamation plan financial assurances include:

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

Based on such precedent and our reclamation cost estimates at Appendix M, we propose posting an acceptable form of financial assurance in an amount not to exceed \$108,410.

# Appendix K

Acknowledgement of Reclamation Plan for RGA1&2 Solar Project

The undersigned hereby acknowledges receipt of a copy of this reclamation plan, has fully read and understands its contents, and agrees with all terms and conditions contained herein.

  
[PROPERTY OWNER] - Dia Ringgold

  
[PROPERTY OWNER] - Kirk Ringgold

# Appendix L

Certification of RGA1 & RGA2 Property Owners

The undersigned hereby certifies they are the property owners for the proposed solar sites "RGA1" and "RGA2" located on APN 128-450-58. The undersigned further certifies that at the end of the term of lease and conditional use permit, property owners would like the opportunity to negotiate with the County and applicants their desire to keep all or some of the components of the solar system for their personal use on the property.

*Dia Ringgold*

[PROPERTY OWNER] - Dia Ringgold

DATE: 01-28-13

*Kirk Ringgold*

[PROPERTY OWNER] - Kirk Ringgold

DATE: 01-28-13

# Appendix M

RECLAMATION COSTS

RECLAMATION COSTS FOR RINGGOLD AUBERRY 1&2 (RGA1&2) SOLAR PROJECT CUP APPLICATION															
Site Name:	RGA1&2 (4MW on 20 Acres)		Project Data				Labor Costs				Equipment Costs			Total Costs	
	Task Number	Reclamation Task	Explanation	Total Units	per MW block	MW blocks	workers	days	labor hrs total project	Labor rate	Subtotal	equip/fee	equip hrs total project		rates
1	Remove fence, gates, misc. equipment and any other loose items on site	Remove fence and poles and gates and stockpile for recycler and one dump fee	One time fee	n/a	n/a	4	3	96	\$47	\$4,512	backhoe	24	\$100	\$2,400	\$6,912
2	Detach modules from supporting structures and transport to disposal/recycle facility	Disconnect all solar modules	12,864	4,288	4	4	10	320	\$47	\$15,040	n/a	n/a	n/a	\$0	\$15,040
3	Pull electrical conduit out of ground. Consolidate conduit for off site pickup by recycler	Pull conduit out, 1 per 12 modules @ 350 feet each	1,072	357	4	4	6	192	\$47	\$9,024	backhoe	48	\$100	\$4,800	\$13,824
4	Pull H beams from ground (2 per 12 module rack). Consolidate H beams for off site pickup by recycler	Pull each pier with backhoe	2,144	715	4	6	10	480	\$47	\$22,560	backhoe	80	\$100	\$8,000	\$30,560
5	Remove substation/wiring/switchgear	1 time action	n/a	n/a	n/a	6	4	192	\$47	\$9,024	crane/backhoe	32	\$900	\$9,600	\$18,624
6	Transport/ disposal costs	1 time action	n/a	n/a	n/a						n/a	n/a	n/a	\$7,500	\$7,500
	Grade, disc and seed site	On a per acre basis	15	5 acres	3						n/a	n/a	n/a	\$15,950	\$15,950
													TOTAL:	\$108,410	

CUP 3389

RECEIVED  
COUNTY OF FRESNO

FEB 04 2013

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION





# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: SH3 Solar, LLC
- APPLICATION NOS.: Initial Study Application No. 6619 and Unclassified Conditional Use Permit Application No. 3389
- DESCRIPTION: Allow a four megawatt photovoltaic solar power generation facility with related improvements, including two 153 square-foot switchgears apparatus, a 40-foot tall electrical utility pole, eight inverters ranging from 21 to 23 square feet in size, and a six-foot tall chain-link fence on an approximately 20.82-acre portion of a 68.28-acre parcel in the M-3 (c) (Heavy Industrial, conditional) Zone District.
- LOCATION: The project is located approximately 440 feet south of the intersection of Auberry and Frazier Roads in the unincorporated community of Auberry (32180 Auberry Road, Auberry) (SUP. DIST.: 5) (APN: 128-450-58).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed solar generation facility will consist of approximately 14,400 photovoltaic (PV) modules with a capacity of generating four (4) megawatts alternating current (MW-AC) and be located on a 20.82-acre portion of a 68.28-acre parcel. PV module will convert sunlight into electrical energy which will be delivered to PG&E's existing regional transmission network with voltage transmission equipment and system safety equipment constructed on the site.

The project would construct a series of PV module arrays mounted on racking systems supported by cylindrical steel pipes/piles driven into the ground. The racking system will be a fixed-tilt PV array configuration. Overall height of the system will be 7.4 feet.

Support facilities to be constructed on the site include two 153 square-foot switchgears apparatus with a 40-foot tall electrical utility pole, eight inverters ranging from 21 to 23 square feet in size, and a six-foot tall chain-link perimeter fence.

Although, the project area is somewhat scenic in nature due to vegetation and rolling landscape, no scenic vistas or scenic resources have been identified in the vicinity of the project site. Parcels adjoining to the north and west of the site have been developed with limited commercial and industrial uses and the parcels to the east and south of the project site has been developed with single family residences, miscellaneous non-residential structures, and a public utility service center. The nearest residence is located approximately 192 feet south of the subject property. Auberry Road (State Route 168) is identified as a Scenic Drive in the Fresno County General Plan which requires that all development proposals shall maintain a natural open space area 200 feet in depth parallel to the road right-of-way. The proposed development is approximately 1,453 feet east of the Auberry Road right-of-way line.

The proposal will have low visibility from the surrounding area due to low height of the proposed improvements. Apart from the 40-foot tall electrical utility pole, the entire 20.82-acre project site will be occupied with 7.4-foot high PV module arrays, 6.9-foot high inverters, and 9.5-foot high switchgears apparatus and be enclosed by a six-foot high chain-link fence. In compliance of Solar Facilities Guidelines approved by the Fresno County Board of Supervisors which require measures to create a buffer between proposed solar facilities and adjacent agricultural operations, the fencing will secure the proposed facility, reduce the visual effects of the PV installations, and create physical buffers between the proposed development and adjoining properties.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposal will utilize motion-activated outdoor security lights around the project area. As outdoor light fixtures have the potential of generating new sources of light and glare in the area, all outdoor lighting shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included as a Mitigation Measure.

*\*Mitigation Measure:*

1. *All lighting shall be hooded and directed so as not to shine towards adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or

- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses or conversion of forest land to non-forest use?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The project is located on an industrially zoned property and is allowed with discretionary land use approval and adherence to the applicable General Plan Policies. The site is classified as Urban and Built-Up Land on the 2008 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Conservation Contract.

The applicant prepared a Solar Facility Guidelines Report in accordance with the ten-point Solar Facilities Guidelines approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012. This report addresses all ten-point information required of the project from the applicant and has been reviewed by various agencies/departments.

As noted in Items 1 and 2 of the applicant's Solar Facility Guidelines Report related to Agricultural History and Water Supply, the project site is not a farmland and currently is developed with a waste wood-fired 7.7-megawatt power production facility with related improvements and was previously utilized for log and lumber storage incidental to a sawmill operation. The site is provided with on-site wells. As noted by the applicant, water needed for construction and operation of the facility will come from outside water resources.

As noted in Item 4 of the applicant's Solar Facility Guidelines Report related to Soil Type, the United States Department of Agriculture (USDA) Soils Report indicates that the soils of the subject parcel is Auberry coarse sandy loam with nine to 15 percent slope. The California Department of Conservation (CDC) soil survey classifies the subject parcel as Urban and Built-Up Land suited for non-residential uses and public facilities improvements.

According to Item 6 of the applicant's Solar Facility Guidelines Report related to Reclamation Plan and corresponding information contained in the specifics of the Reclamation Plan, at the termination of solar facility operations, all above-ground structures, equipment including roads and all below-ground facilities including concrete slabs, metal posts, footing and utilities will be removed from the site and disposed of in appropriate facilities for treatment/disposal or recycling. Re-contouring of the site will be conducted to return the land to match the pre-construction surface conditions. As part of the Site Reclamation Plan, an engineering cost estimate of reclaiming the site to its previous condition was required and has been provided by the Applicant.

The site restoration requirements will be included as a Mitigation Measure and be stipulated in a covenant between the applicant/property owner and the County of Fresno. Another Mitigation Measure which pertains to Item 8 of the Reclamation Plan would require that prior to issuance of Building Permits, financial assurances equal to the cost of reclaiming the land to its previous condition as nearly as possible based on an engineering cost estimate prepared for

the project by SH3 Solar, LLC, shall be submitted to ensure that the reclamation is performed according to the approved Plan.

The Fresno County Agricultural Commissioner's Office (Ag Commissioner) reviewed the project and expressed no concerns with the proposal except that County's Right-to-Farm Ordinance notice shall be required.

The Fresno County Agricultural Commissioners' Office (Ag Commissioner) has consistently stated that solar generation facilities could create habitat for weed and rodents. Rodents could cause damage to above and underground equipment and an uncontrolled population growth could cause damage to neighboring farmland. Likewise, unchecked weeds can become a fire hazard and can provide for food and cover for rodents. Therefore, a mitigation measures would require the applicant to acknowledge the need to manage weeds and rodents so as not to become a nuisance which will cause economic and cultural hardship to adjacent properties as mandated by the California Food and Agricultural, Civil, and Penal Codes. Further, a mitigation measure will require the applicant to develop a detailed Pest Management Plan, have the Plan approved by Fresno County Agricultural Commissioners' Office, and keep the site free of weeds and rodents during the life of the project.

*\*Mitigation Measures:*

- 1. 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 engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit) and 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 operation.*
- 2. Prior to the issuance of any permits, a Pest Management Plan shall be submitted to the Department of Public Works and Planning and approved by the Fresno County Agricultural Commissioner's Office. The Pest Management Plan shall identify methods and frequency to manage weeds, insects, and disease and vertebrate pests that may impact adjacent properties.*
- 3. The applicant shall acknowledge the need to manage weeds and rodents so as not to become a nuisance which will cause economic and cultural hardship to adjacent properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Sections 370 to 372 of the Penal Code); and that the maintenance of such public nuisance is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.*

As discussed earlier, the project site is not a farmland and for that reason is not subject to the California Agricultural Land Evaluation and Site Assessment Model (LESA). The Fresno County Agricultural Commissioners' Office (Ag Commissioner) review of the proposal did not identify any concerns with the proposal.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed this proposal and indicated that the project would be subject to District Rule 9510 (Indirect Source Review) as it meets the applicability threshold within District Rule 9510 (Indirect Source Review) of 9,000 square feet of other land uses. All projects subject to Rule 9510 require submittal of an Air Impact Assessment (AIA) Application no later than applying for the final discretionary approval and pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit.

An Air Impact Assessment (AIA) Application (ISR Project Number: C-20120249) was submitted to and approved by the by the Air District on January 30, 21013 with the determination made that: 1) the mitigated baseline emissions for construction and operation will be less than two tons NOx and two tons PM10; 2) the project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the Rule 9510; 3) project complies with the emission reduction requirements of District Rule 9510 and as such is not subject to payment of off-site mitigation fees. However, in order to maintain this exception, the project must comply with all mitigation measures identified in the Monitoring and Reporting Schedule for the approved ISR. This requirement has been included as a Project Note.

No impacts on air quality resulting from decommissioning of the project were expressed by the San Joaquin Valley Air Pollution Control District (Air District). A condition would require that prior to decommissioning of the proposed facility, the project operator shall consult with the Air District for any requirement that would apply to the project.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The project would not create objectionable odors that affect sensitive receptors near the project area.

### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS); or

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The project is located on a heavily disturbed land currently improved with a co-generation plant with related improvements and had been utilized previously for a log and lumber storage incidental to a sawmill operation. Neighboring properties have also been historically utilized for commercial and industrial uses and have been previously disturbed.

The proposal was routed to the California Department of Fish and Wildlife (DFW) and U.S. Fish and Wildlife Service (FWLS) for review and comments. No concerns with the proposal were expressed by FWLS. However, DFW October 25, 2012 comments on the project required biological surveys of the property to evaluate potential Project-related impacts to biological resources in accordance with the Department's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities."

A Biological Evaluation Letter Report to assess potentially significant project impacts as defined by CEQA to sensitive biotic resources, significant biotic habitats, and regional fish and wildlife movement corridors was prepared by Live Oak Associates, Inc. and dated December 12, 2012. DFWL reviewed the Report and in the comments provided on February 5, 2013 indicated that: 1) protocol surveys were not conducted during optimal time for identification of plants and animal activities; 2) on-site soils types needs to be identified to determine sensitive plants species it would support; 3) project-related activities shall be prohibited during general bird breeding seasons (January 1 through September 15) and a nesting survey shall be conducted 14 days prior to starting or restarting work within the breeding season; 4) buffer shall be provided around active bird nest found during survey (2,640 feet for listed species, 500 feet for non-listed raptor species; 250 feet for non-listed, non-raptor species); and 5) a Lake and Streambed Alteration Agreement (LSAA) Notification shall be required if laying of underground line would impact riparian corridor and survivorship of the existing trees/shrubs on the property.

In response, the applicant's biologist February 25, 2013 letter to CDFW concluded that; 1) historic lumber mill and related grading and compaction activities, have significantly altered native characteristics of historical soils and destroyed native habitats once occurring on the site; 2) suitable habitat for special status plant species is absent from the project site due to the absence of granitic soils or granite outcrops; 3) project will adhere to nesting bird survey 14-days prior to the project commencement; 4) CDFW will be consulted to establish proper buffers around the nests; and 5) the underground distribution line to the utility pole will not impact riparian corridor of Little Sandy Creek as all trenching will occur in an area currently occupied with large cement pad. No further concerns with the proposal were expressed by CDFW.

Recommendations made in the DFW's October 25, 2012 and February 15, 2013 comments and included as mitigation measures to mitigate the impacts on biological resources are as follows:

*\*Mitigation Measures:*

- \*1. If feasible and to the maximum extent possible, the three ponds located adjacent to the project site within the 68.28-acre as well as Little Sandy Creek which traverses the northern boundary of the project site, shall be avoided by at least 250 feet as measured from the top of each bank to protect western pond turtles and their nests. . The 250-foot buffer shall be a no-disturbance buffer and should be clearly delineated on the ground with stakes, flagging, etc., prior to starting construction/ decommissioning activities and maintained until all construction/ decommissioning activities have been completed.
- \*2. If complete avoidance of this 250 foot buffer is not feasible, a qualified biologist shall conduct intensive visual surveys to detect western pond turtles or their nests no more than 14 days prior to starting construction/decommissioning. Additional survey shall be completed if construction/decommissioning activities cease for 30 days or more.
- \*3. Should pond turtles be found, these turtles will be relocated by the qualified biologist to the nearest suitable aquatic habitat. Should turtle nests be found these nests shall be avoided with a 50 foot no-disturbance buffer until it has been determined that the eggs have hatched and the juvenile turtles have left the nest site.
- \*4. All special-status plant species and /or their habitats shall be avoided by at least 50 feet. The 50-foot no-disturbance buffer should be clearly delineated on the ground with stakes, flagging, etc. during construction, operation and decommissioning activities.
- \*5. The California Department of Fish and Wildlife (DFW) shall be consulted to determine if an Incidental Take Permit (ITP) is warranted if listed plant species cannot be avoided by 50 feet.
- \*6. Construction/decommissioning activities shall be prohibited during the normal bird breeding season defined as January 1 through September 15, when feasible.
- \*7. A qualified biologist shall conduct intensive visual surveys to detect active bird nests no more than 14 days prior to starting construction/decommissioning activities if these activities must occur between January 1 and September 15. Additional survey shall be completed if construction/decommissioning activities cease for 30 days or more.
- \*8. Active nests birds shall be protected with a no-disturbance buffer of at least 2,640 feet for listed bird species, 500 feet for non-listed raptor species, and 250 feet for non-listed, non-raptor species. The no-disturbance buffers should be clearly delineated on the ground with stakes, flagging, etc. until after the breeding season has ended or the young have fledged and no longer dependent on the nests or the parents for survival as determined by a qualified biologist and with written consent from the California Department of Fish and Wildlife (DFW) for listed species.

- \*9. The California Department of Fish and Wildlife (DFW) shall be consulted to determine if an Incidental Take Permit (ITP) is warranted if active listed bird nests cannot be avoided by 2,640 feet during the breeding season.
  - \*10. To prevent bird death and injury, all vertical pipes associated with the solar mounts and fencing poles as they are installed shall be capped.
  - \*11. Use of pesticide within all non-disturbance buffers shall be prohibited.
  - \*12. Use of rodenticides that may impact non-target species and/or reduce prey sources for existing wildlife shall be prohibited. Rodents should be removed using live traps instead of rodenticides.
  - \*13. If trenching and line connection to the existing pole will result in removal of trees/shrubs/grasses within riparian corridor or roots cut that could impact the survivorship of the trees/shrubs, a Lake and Streambed Alteration Agreement (LSAA) Notification shall be submitted to the California Department of Fish and Wildlife to mitigate such impacts through LSAA.
- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Biological Evaluation Letter Report, federally regulated waters or fish or wildlife movement corridors are absent the site. As such, the proposed development will have no impact on federally regulated waters or fish and wildlife movement corridors. Further, the fenced boundaries of the PV installation will be over 100 feet from the edge of the riparian zone of Little Sandy Creek and associated pond on the property. The Mitigation Measure included in Section IV A. B. which requires filing of a LSAA Notification will reduce the impacts on riparian vegetation resulting from laying of underground transmission line to less than significant.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:



The project will not conflict with any local plans, policies and ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan.

#### V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project is not located within an area designated to be highly sensitive for archeological resources. The project site has been disturbed with the activities related to current co-generation plant and past sawmills operations. Although, no impacts to cultural resources are expected from this proposal, a mitigation measure would require that in the event, cultural resources are unearthed during grading or construction activities, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations.

*\*Mitigation Measure:*

1. *In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

#### VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  1. Rupture of a known earthquake?
    - (a.) Strong seismic ground shaking?
    - (b.) Seismic-related ground failure, including liquefaction?
    - (c.) Landslides?

FINDING: NO IMPACT:

The area is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides. Construction of the project will be subject to the Seismic Design Category C Standards.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No significant grading activities are expected of this proposal to result in substantial loss of topsoil. The photovoltaic (PV) module array require a moderately flat surface for installation, Some earthwork, including grading, fill, compaction, and erosion control cultivation may be required to accommodate the placement of PV arrays, foundations or footings, access roads and drainage features. Upon decommissioning of the project, grading of the site will be conducted as necessary to return the site to pre-construction surface condition.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

D. Would the project be located on expansive soils creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquifaction, or collapse, or within an area of known expansive soils.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves no new building that would require a restroom facility with an on-site sewage disposal system. No sewage disposal system is required for portable toilets which will be used during construction of the facility.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns with the proposal except any septic systems that exist or have been abandoned within the project area, not intended for use by the project, shall be properly destroyed under permit and inspection by the Department of Public Works and Planning, Development Services Division. This will be included as a Project Note.

## VII. GREENHOUSE GAS EMISSIONS

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

- B. Would the project conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns with greenhouse gas emissions. Additionally, compliance with Air District Rules discussed in Section III. A. B. C. D. of this analysis will reduce air quality impacts of the subject proposal to a less than significant level. Further, the proposed use is a relatively passive use and project implementation will provide a relatively emission-free mechanism for generating electricity to be placed on an existing power grid.

#### VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?
- C. Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site has been contaminated with petroleum products as noted by the Fresno County Department of Public Health, Environmental Health Division. The site has been restored with the removal of the underground fuel storage tank and excavation of contaminated soils. The Central Valley Regional Water Quality Control Board (RWQCB) who has jurisdiction over contaminated sites, reviewed the project and expressed no concerns with the prior site conditions except that: 1) construction activities disturbing more than an acre must obtain coverage under State Board's Construction General Permit Order 2009-0009-DWQ; 2) wash water shall be kept on site; and 3) wash water containing cleaner waste (e.g., detergents) shall be captured and disposed of at a permitted facility. These requirements will be included as Project Notes.

Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the project requires that: 1) prior to occupancy, the applicant shall complete and submit a Hazardous Materials Business Plan form; 2) all hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5; 3) a Permit to Construct Water Well shall be obtained for any well to be drilled on the property; and 4) the applicant shall obtain an Underground Storage Tank Removal Permit for any underground storage tank(s) found during the project; 5) and prior to commencement of work, any wells that exist or that have been abandoned within the project area, not intended for use by the project, shall be properly destroyed under permit(s) from the Health Department. These requirements will be included as Project Notes.

Staff notes that project is not within one-quarter mile of a school.

D. Would the project be located on a hazardous materials site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project sits on a restored land previously contaminated with petroleum. The California Central Valley Regional Water Quality Control Board (RWQCB) reviewed the proposal and expressed no concerns with prior site conditions.

E. Would a project be located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not within two miles of a public airport, or public use airport, or within the vicinity of a private use airstrip.

G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

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

H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located within a wildland fire area. Fresno County Fire Protection District (CalFire) reviewed the project and identified no concerns with the proposal. The project will comply with California Code of Regulations Title 24 – Fire Code and County approved site plans will be required to be approved by the Fire District prior to issuance of building permits. The Auberry Volunteer Fire Department also reviewed the project and expressed no concerns with the proposal except that the project shall comply with CalFire regulations related to standard vegetation clearance. These requirements will be included as a Project Note and be addressed through Site Plan Review recommended as a Condition of Approval.

## IX. HYDROLOGY AND WATER QUALITY

A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils above

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not use groundwater resources. According to the applicant, water needed for construction and washing of photovoltaic (PV) modules will be trucked in by local water suppliers. Water usage for panel washing is estimated to be less than on-acre (1.0) feet per year.

The Fresno County Water-Geology Natural-Resources Section (WGNR) of the Fresno County Department of Public Works and Planning, reviewed the proposal and expressed no concerns with the project or required Water Supply Assessment (WSA) for the project.

The Fresno County Department of Public Health, Environmental Health Division has indicated for other solar facility proposals that in cases where an on-site office is proposed on the project site, the operator shall at all times provide an approved water source for plumbing fixtures which is deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division, and the Fresno County Department of Public Works and Planning. As such, this requirement will be included as a Project Note.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No stream or river exists within 20.82-acre portion of the property to be used for this proposal. The fenced boundary of the PV installation will be over 100 feet from the Little Sandy Creek and associated pond located along northern boundary of the property.

Construction of the project may cause changes in absorption rates, drainage patterns, or an increase in the rate and amount of surface run-off due to some earthwork, including grading, fill, compaction, and erosion control cultivation to accommodate the placement of photovoltaic (PV) module arrays, foundations or footings, access road and drainage features. Potential

run-off, flooding, erosion, and siltation effects are not considered significant because the proposed development would require adherence to mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

This would require: 1) an Engineered Grading and Drainage Plan to show how additional stormwater run-off generated by the proposal development will be handled without adversely impacting adjacent properties; 2) a Grading Permit or Voucher for any grading proposed with this application; and 3) any additional stormwater run-off generated by the proposed development to be retained on-site per County Standards. These requirements will be included as Project Notes.

F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E., Geology and Soils.

G. Would the project place housing within a 100-year floodplain; or

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

No housing is proposed with this application. Any improvement within flood hazard area will be subject to the provisions of the Fresno County Ordinance Code Title 15.

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project inundation by seiche, tsunami or mudflow?

---

FINDING: NO IMPACT:

The subject site is not prone to a seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure.

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project is outside the boundaries of any city or unincorporated community. No impact is expected on any established community.

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Mountain Urban in the County-adopted Sierra North Regional Plan and is zoned for M-3 (Heavy Industrial) uses. The proposed solar power generation facility is a permitted use in the M-3 zone district with a discretionary land use approval and adherence to the applicable general plan policies.

Policy 12.04-Industrial Policies (Mountain Urban) of the Sierra North Regional Plan states that new industrial use may be allowed on the property provided that the project: 1) will not have a detrimental effect on property and improvements in the area; 2) is located on major roadways and near existing industrial uses; and 3) serve the community.

In this instance, the proposed facility is a similar but less intensive use than the existing co-generation facility on the subject property and other commercial and industrial uses on the adjoining properties. Also, the property is located State Route 168 (Auberry Road) which is the major thoroughfare in the area. Further, the electricity generated by PV solar panels will be supplied to the PG & E power grid for use by the existing and future developments in the area.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise level; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or

D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The sensitive receptors for noise are the existing residential development in the area. The nearest single family residence is approximately 192 feet south of the proposed facility. Potential source of noise will be trucks, forklifts and excavators to be used during construction and decommissioning of the facility.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and did not identify any potential noise-related impacts. The project will conform to the Fresno County Noise Ordinance related to construction noise limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. This will be included as a Project Note.

E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip; or

F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion in Section VIII. E. F. Hazard and Hazardous Materials above

### XIII. POPULATION AND HOUSING

A. Would the project induce substantial population growth either directly or indirectly; or

B. Would the project displace substantial numbers of existing housing; or

C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not construct or displace housing and will not otherwise induce population growth.

### XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:



See discussion in Section VIII. H. Hazards and Hazardous Materials above

2. Police protection; or
3. Schools; or
4. Parks?

FINDING: NO IMPACT:

The project will not result in the need for additional public services related to police, schools and parks.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

For Phase-1 of the project, an underground transmission line will run from the proposed switchgear to an existing power pole on the property located approximately 1,485 feet west of the Phase 1 improvements. Likewise, for Phase-2, an underground transmission line will run from the proposed switchgear to an existing power pole located within the Auberry Road right-of-way approximately 1,485 feet west of the Phase 2. The Pacific Gas & Electric (PG & E) company reviewed the project and expressed no concerns with the proposal.

#### XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No impacts on recreational resources were identified in the analysis.

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demands measures?

FINDING: NO IMPACT:

According to the applicant's Operational Statement, construction of the project, including system testing and commissioning, will take approximately 16 weeks. Construction trips were estimated at an average of four (4) to seven (7) vehicle trips per day during construction of the

facility. Operational trips are estimated one trip per quarter by a worker for panel washing and general maintenance of the facility.

The County Design Division of the Department of Public Works and Planning reviewed the project and expressed no concerns regarding the carrying capacities of the adjacent roadways and did not require a Traffic Impact Study.

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility will utilize the existing entrance on the west side of the property off Auberry Avenue.

Review of the project by Road Maintenance and Operations Division of the Department of Public Works and Planning requires that: 1) any gates provided off Auberry Road shall be set back a minimum of 20 feet from the right-of-way line or such greater; distance as required to preclude any truck from extending into the right-of-way if temporarily stopped to open any gate; 2) and sediment track-out from vehicles onto Auberry Road should be limited by constructing a paved minimum 35 foot wide drive approach for the site that extends a minimum of 100' into the site beyond the right-of-way line. These requirements will be included as Project Notes and be addressed through Site Plan Review recommended as a Condition of Approval.

The California Department of Transportation (Caltrans) also reviewed the project and identified no concerns related to increased traffic hazards or emergency access for this proposal.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted alternative transportation plans.

## XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils.

- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Geology and Soils.

- C. Would the project require or result in the construction or expansion of new stormwater drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section IX. E. The project will adhere to the Grading and Drainage Section of the County Ordinance Code.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B., Hydrology and Water Quality

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E., Geology and Soils

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The facility operations will not impact area landfills. Non-hazardous solid waste associated with maintenance of the facility will be hauled off to local area landfills.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Impacts on Biological and Cultural Resources will be minimized with the Mitigation Measures discussed in Section IV. A. B. and Section V. A.B.C.D.

B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICATION IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Aesthetics, Agricultural and Forestry Resources, Biological Resources, and Cultural Resources which will be addressed with the mitigation measures discussed in Section I. D., Section II. A. B. C. D. E. Section IV. A. B., and Section V. A. B. C. D.

C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the analysis.

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3389 staff has concluded that the project will not have a significant effect on the environment. It has been determined that there will be no impacts to mineral resources, population and housing, and recreation.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic, utilities and service systems and mandatory findings of significance have been determined to be less than significant.

Potential impacts to aesthetics, agricultural and forestry resources, biological resources and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

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

EJ:jem  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3300-3399\3389\IS\_ wp CUP 3389 (031913)\_sr\_Ex9.doc

EXHIBIT 5



1300 Clay Street, Suite 550, Oakland CA, 94612

April 12, 2017

Mr. Ejaz Ahmad, Planner  
County of Fresno  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, 93721  
Development Services Division

RE: CUP #3389 Third One Year Extension Request

Dear Mr. Ahmad:

We would like to request the third one year extension available to us for our Conditional Use Permit #3389 which currently expires on 4/25/2017. We were unable to start construction on this project during the previous extension term, because we are undertaking the process of enrolling our project in to the PG&E Regional Renewable Choice Program, which is a community solar program that launches this Spring. We are working hard on meeting all of the requirements for this program and are undertaking discussions with various parties in the Fresno County area who are interested in serving as our energy off-takers under the community solar program. This change both increases the profitability of the system and increases the benefits it will provide to the local community through savings generated for our customers.

We have included the required extension request form and the required extension fee along with this letter.

Thank you for your assistance with this matter.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Chen". The signature is fluid and cursive, extending across the width of the text area below it.

Kevin Chen

Manager

Pristine Sun Fund 6, LLC