



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 June 8, 2017

SUBJECT: Initial Study Application No. 7269 and Unclassified Conditional Use Permit Application No. 3570

Allow the installation of a 5.5-acre, 1,108.8 kW photovoltaic solar array to offset energy use at the adjacent packing facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the west side of South Leonard Avenue, between East Manning Avenue and East Dinuba Avenue, approximately 2,000 feet north of the nearest limits of the City of Selma (SUP. DIST. 4) (APNs 348-050-30 and 348-050-21).

OWNER: Bruce Lion Revocable Family Trust, Alfred Lion, Jr. Joint Family Trust, Jeffrey Lion, and Dan A. Lion

APPLICANT: Lion Raisins, Inc.

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7269; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3570 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7269

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

The parcel identified by Assessor's Parcel Number (APN) 348-050-21 is located to the west of the project site. It has been developed with a fruit packing facility. This application is related to that parcel because the proposed solar array would provide power to offset energy use at this facility. No changes or improvements to this parcel are proposed, except to allow the facility to connect to the array. Therefore, operational details of the fruit packing facility are not relevant to the approval or denial of this CUP, which relates to the solar array on APN 348-050-30. Further details on the packing facility are included under "Background Information," and details regarding the array site (APN 348-050-21) follow:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	APN 348-080-30: AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	APN 348-080-30: 18.15 acres	No change
Project Site	APN 348-080-30: Vacant land	APN 348-080-30: Solar panels will be located on the western 5.5 acres of APN 348-080-30.
Structural Improvements	APN 348-080-30: None	APN 348-080-30: Solar Array
Nearest Residence	615 feet northeast of proposed solar array	No change
Surrounding Development	Land uses to the west are industrial in nature while land uses to the east are agricultural in nature with some scattered residential development.	No change

Criteria	Existing	Proposed
	There is a residential subdivision approximately 2,000 feet to the south.	
Operational Features	APN 348-080-30: None	1108.8kW DC ground-mount solar array
Employees	None	No change
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	None	No change
Hours of Operation	N/A	N/A

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 for the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the IS has been included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 3, 2017

PUBLIC NOTICE:

Notices were sent to 21 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

Prior to August 31, 1976, APN 348-050-30 (the array site) was zoned A-1 (Agricultural). It was rezoned to its current AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District as part of County-initiated Amendment Application No. 2870. This parcel has been improved with a vineyard; however, the proposed array location is currently vacant.

Amendment Application No. 2846 and Director Review and Approval No. 1254 were approved in 1976 to rezone APN 348-050-21 (the fruit packing parcel) from an M-1 (Light Industrial) Zone District to an M-3 (Heavy Industrial) Zone District and allow a raisin processing plant with a

dehydrator. CUP No. 2727 was later approved to allow the expansion of that facility and to allow on-site disposal of wastewater. CUP No. 2847 was approved to also allow another expansion and the disposal of wastewater produced by the packing facility on the 57.25-acre parcel to the south. Approval of this application would allow this existing facility to connect to the proposed solar array to offset energy usage. This application does not propose to sell excess energy produced at this site.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	There is sufficient space on the parcel to accommodate the 5.5-acre array while meeting mandatory setback requirements.	Yes
Parking	One space per residence	No change	Yes
Lot Coverage	N/A	N/A	Yes
Space Between Buildings	Six Feet	No change	Yes
Wall Requirements	No requirements	N/A	N/A
Septic Replacement Area	100 percent	No septic proposed	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage Pit: 150 feet	No septic proposed	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building/Safety Section of the Fresno County Department of Public Works and Planning: If the project is approved, then plans, permits, and inspections will be required.

California Department of Fish and Wildlife: According to the California Natural Diversity Database (CNDDDB), several special-status wildlife species are known to occur in the vicinity of the project site and could use the project site for nesting, denning, or foraging activities. These include the Swainson’s hawk (California Endangered Species Act [CESA] listed as threatened), the San Joaquin Kit Fox (CESA threatened and Federal Endangered Species Act [ESA] endangered), and the state species of concern burrowing owl. The Department recommends that protocol-level surveys be conducted for these species so the County can develop appropriate avoidance, minimization, and mitigation measures to reduce Project-related impacts.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2650H, the project site is not subject to flooding from the 1%-chance storm. According to U.S.G.S. Quad Maps, the Fowler Ditch runs along the property line of the subject parcels. Typically, any improvement constructed near the canal should be coordinated with the owners of the canal.

An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher may be required for any grading proposed with this application.

Fresno County Fire Protection District: Fresno County Fire Protection District (FCFPD) has performed a preliminary review of the project, and has not identified any significant concerns with the overall proposal. The subject application shall comply with California Code of Regulations Title 24 - Fire Code. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.

Site Plan Review: The first 100 feet of driveway off S. Leonard Ave. (right-of-way) shall be asphalt concrete. Any proposed entry gate shall be 20 feet or the length of the longest vehicle entering the site from S. Leonard Ave. An Over and Across Agreement shall be required for access, equipment, conduit, etc. crossing from one parcel to another. No dwellings are proposed, therefore no parking requirements shall be required.

U.S. Fish and Wildlife Service: In order to minimize the likelihood of take of kit fox, the service recommends the pre-activity surveys and exclusion zones found in the 2011 Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance be implemented.

Zoning Section of the Fresno County Department of Public Works and Planning: All proposed structures will require permits.

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

Analysis:

In regard to the comments from the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS), a reconnaissance-level survey was performed on March 31, 2017 to determine the potential presence of suitable habitat for special-status species which may occur near the site. Based on those findings, there is disturbed, marginally-suitable habitat for five state and/or federally-listed sensitive-status animal species adjacent the project impact area: California red-legged frog, California tiger salamander, Blunt-nosed leopard lizard, Giant garter snake, and San Joaquin kit fox. Due to the site's disturbed nature, there is a low potential for these species to be present. No species were observed during the survey. Based on the lack of suitable habitat for these species and the proximity of the Golden State Industrial Corridor, Golden State Boulevard, and Highway 99, it is unlikely that any special-status species would traverse this parcel. Impacts to special-status species were determined to be less than significant without the need for additional mitigation measures (see Section IV. Biological Resources in the attached Exhibit 8).

The subject parcel is currently vacant. The 5.5-acre solar array will be built in compliance with

the mandatory setback requirements of the AE-20 Zone District.

Staff finds that the subject parcel is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	South Leonard Avenue (400 feet)	No change
Direct Access to Public Road	Yes	South Leonard Avenue, no drive existing	No change
Road Average Daily Traffic (ADT)		700	No change
Road Classification		Local	No change
Road Width		23.5 feet	No change
Road Surface		0.3 feet Asphalt Concrete (AC)	No change
Traffic Trips		None	No change
Traffic Impact Study (TIS) Prepared	No	No traffic generated by project	Maintenance and cleaning traffic
Road Improvements Required		No	N/A

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

City of Selma, Planning Division: Leonard Avenue is an unimproved County road at this time and currently in need of improvements. This project will not have a major traffic impact but the County might look at future easements or the right-of-way required for future expansion.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Leonard Avenue is a County-maintained road, classified as a Local road with an existing 20-foot right-of-way east of the center line along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way east of the center line is 30 feet. Records indicate this section of Leonard Avenue from Manning Avenue to Dinuba Avenue has an ADT of 700,

pavement width of 23.5 feet, structural section of 0.30 feet AC and is in fair condition. Bowles Avenue is not a County-maintained road at the subject parcel.

South De Wolf Avenue is a County-maintained road, classified as a Local road with an existing 30 feet right-of-way west of the section line along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way west of the section line is 30 feet. Records indicate this section of South De Wolf Avenue from one quarter-mile south of Manning Avenue to Golden State Avenue has an ADT of 1000, pavement width of 22.1 feet, structural section of 0.17 feet AC and is in very poor condition.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at any exiting driveways.

Road Maintenance and Operations: Leonard Avenue is classified as a Local road in the County's General Plan. The standard right-of-way for a Local road is 60 feet, 30 feet each side of the section line. Currently, there is 40 feet of right-of-way on Leonard. The Applicant should irrevocably offer an additional 10 feet of right-of-way across the parcel frontage. Setbacks for any facilities should be based upon this ultimate right-of-way line. Any gates constructed along Leonard Avenue shall be set back a minimum of 20 feet from this ultimate right-of-way line.

This project was reviewed by the following agencies, which indicated "no comment" or "no concerns": The California Department of Transportation (Caltrans) and Design/Transportation Planning Division of the Fresno County Department of Public Works and Planning. No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

Because there is no proposed increase to traffic at the site or along South Leonard Avenue, there is no nexus to require right-of-way dedication as part of this application. The proposed solar array will be set back more than 900 feet from South Leonard Avenue. In lieu of this requirement, a condition requiring that all setbacks be based on this ultimate right-of-way line has been incorporated into the project.

There is a small increase to local traffic expected during the construction phase of the project, but following completion, additional traffic will be limited to maintenance and cleaning visits. Review of this project by the Design and Road Maintenance and Operations Divisions determined that this increase was not sufficient to warrant the preparation of a Traffic Impact Study. No impacts to South Leonard Avenue or South De Wolf Avenue were identified.

Based on the above information, South Leonard Avenue and South De Wolf Avenue will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence**:
North	20 acres	Vineyard/Single- Family Residence	AE-20	615 feet
South	57.25 acres	Vacant/Two Single-Family Residences	AE-20	0.26 miles
East	1.4 acres	Single-Family Residence	AE-20	775 feet
	1.5 acres	Single-Family Residence	AE-20	980 feet
	19.69 acres	Vineyard	AE-20	None
West*	32.58 acres	Warehouse	M-3	None

* West of APN 348-050-21 (fruit packing site)

** Measured from the Solar Array

Reviewing Agency/Department Comments:

Department of Public Health, Environmental Health Division: Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map:

1. There is a 100% or more increase in the quantities of a previously-disclosed material;
2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts.

The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

Southern San Joaquin Valley Information Center: One study has been conducted within the project area. This study was for a linear transmission line in which no field work was conducted. Because this project area has not been previously surveyed for cultural resources, it is unknown if any exist there. Therefore, a cultural resources survey is recommended, prior to any ground-disturbance activities.

State Water Resources Control Board, Division of Drinking Water: The Division has no comments on this IS/CUP for a solar array at Lion Raisin. The facility operates under a domestic water supply permit issued by our office. The proposed solar system will not impact the water system or its operation.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: The project is not in a low-water area and we have no further water quantity issues.

This project was reviewed by the following agencies, which indicated “no comment” or “no concerns”: Fresno County Department of Agriculture, San Joaquin Valley Unified Air Pollution Control District and Table Mountain Rancheria. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In regard to comments from the Southern San Joaquin Valley Information Center, this application was reviewed for its potential to uncover previously unknown historic and cultural artifacts. The location of the parcel has not been designated as highly or moderately likely to contain such resources. Therefore, a mitigation measure was placed on this project which requires that all work will halt if an artifact is uncovered (see Section V: Cultural Resources in the attached Exhibit 8). An analysis of the project’s impacts to the aesthetics of the area was performed as part of Initial Study No. 7269. Due to the project’s location adjacent to the Golden State Industrial Boulevard, staff determined that the project would have a less than significant impact on the visual character or quality of the site without additional mitigation.

One parcel exists that is bounded on three sides by the subject parcel. This 1.4-acre property is surrounded by the vineyard, the nearest edge of the property line is approximately 515 feet east of the proposed solar array, and the residence is 805 feet east. Review of the elevations show that the array will be no taller than 4 feet 10 inches. This height will allow the vineyard and proposed fence around the project site to screen the solar array from view of the residence. The distance between the project and the residence is a relatively flat surface, which will also help to reduce visibility of the array. Therefore, there is a less than significant impact on this nearby residence.

The solar panels are non-reflective and will not have an impact on traffic traveling on Golden State Boulevard. The project site is adjacent to the industrial packing facility and therefore will not interfere with the character of the area. The remainder of the parcel outside of the project site will continue its agricultural use.

Comments received from the City of Selma identified a concern regarding the condition of South Leonard Avenue and the aesthetic impacts of the solar array. The array will cover approximately 5.5 acres of land adjacent to existing industrial development. Staff considered the size of the development and its setback from Golden State Boulevard.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.3 The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <ul style="list-style-type: none"> a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4)-mile radius; d. A probable workforce should be located nearby or be readily available. 	<ul style="list-style-type: none"> a. The proposed solar array will serve an existing fruit packing facility on an adjacent parcel. In order to serve this purpose, the array must be as close to the existing facility as possible. b. The array will be built on land which is classified as prime farmland, however, there is no other undeveloped land in the vicinity which is not so designated. c. Review of this proposal by the Water/Geology/Natural Resources section did not identify any water concerns. d. This project will be unmanned following construction and therefore there is no need for a local workforce. <p>This proposal is consistent with Policy LU-A.3.</p>
<p>Policy LU-A.13 The County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>Parcels west of the project site are not designated for agricultural uses. The project proposes to install a 6-foot chain-link fence which will provide a buffer from the vineyard. The parcel to the south is vacant and the location of the array is more than 500 feet distance from the northern and eastern property lines.</p>
<p>Policy LU-A.14 The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>Impacts relating to the conversion of agricultural land was reviewed as part of Initial Study No. 7269. Impacts were determined to be less than significant (see Section II: Agricultural and Forestry Resources and Section X: Land Use and</p>

Relevant Policies:	Consistency/Considerations:
	Planning in the attached Exhibit 8).
<p>Policy LU-G.1 The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</p>	<p>This project was routed to the City of Selma because the project is within its Sphere of Influence. Comments from the City were incorporated into the Environmental Review for this project and the identified impacts were determined to be less than significant.</p>

Reviewing Agency Comments:

City of Selma: This parcel has a Light Manufacturing designation in Selma's 2035 General Plan, which allows this type of use. City staff recommends consideration of the aesthetic impacts of the solar farm frontage along Leonard Avenue.

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

Analysis:

The subject parcel is not subject to a Williamson Act Contract. The location of the proposed array is adjacent to land designated and improved for industrial uses. As discussed in the table above, this unique location provides consistency with Policies LU-A.3, LU-A.13, and LU-A.14.

The City of Selma reviewed this application and identified concerns regarding the condition of South Leonard Avenue and the aesthetic impacts of a solar array. Those comments additionally identified the City's General Plan designation for this parcel: Light Industrial. The proposed use of the site as a solar array is consistent with this designation. There are no urban services such as sewage and water required for this project. Therefore the project is consistent with Policy LU-G.1.

Based on these factors, staff has determined that the proposed solar array is consistent with the General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the

Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3570, subject to the recommended Conditions and Mitigation Measures.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7269; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3570, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3570; 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.

CMM:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3570\SR\CUP3570 SR.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7269/Unclassified Conditional Use Permit Application No. 3570
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Department of Public Works and Planning	During ground-disturbing activities
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Commission.				
2.	The applicant shall prepare an Over and Across Agreement to permit access, equipment, conduit, etc. crossing from one parcel to another from APN 348-050-30 to 348-050-21. The Agreement shall be reviewed and approved by the Development Services Division of the Department of Public Works and Planning prior to the issuance of building permits.				
3.	The segment of South Leonard Avenue that borders the property is classified as a Local road on the Circulation Element of the General Plan; therefore, all new structures and improvements shall be set back a minimum of thirty (30) feet from the centerline of Leonard Avenue. The 30-foot half-road line shall establish the building setback line for future development, including above-grade improvements requiring a building permit.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.					
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	Plans, permits, and inspections will be required. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540 for more information.				

Notes

2.	An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
3.	A grading permit or voucher may be required for any grading proposed with this application.
4.	The subject application shall comply with California Code of Regulations Title 24 - Fire Code. It is the Applicant's responsibility to deliver a minimum of three sets of plans to the Fresno County Fire Protection District.
5.	The first 100 feet of driveway off S. Leonard Ave. (right-of-way) shall be asphalt concrete.
6.	Any proposed gates shall be set back at least 20 feet or the length of the longest vehicle entering the site from South Leonard Avenue from the ultimate setback line.
7.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
8.	If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at any exiting driveways.
9.	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map (https://www.fresnocupa.com/ or http://cers.calepa.ca.gov/):</p> <ol style="list-style-type: none"> 1. There is a 100% or more increase in the quantities of a previously-disclosed material; 2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.</p>
10.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

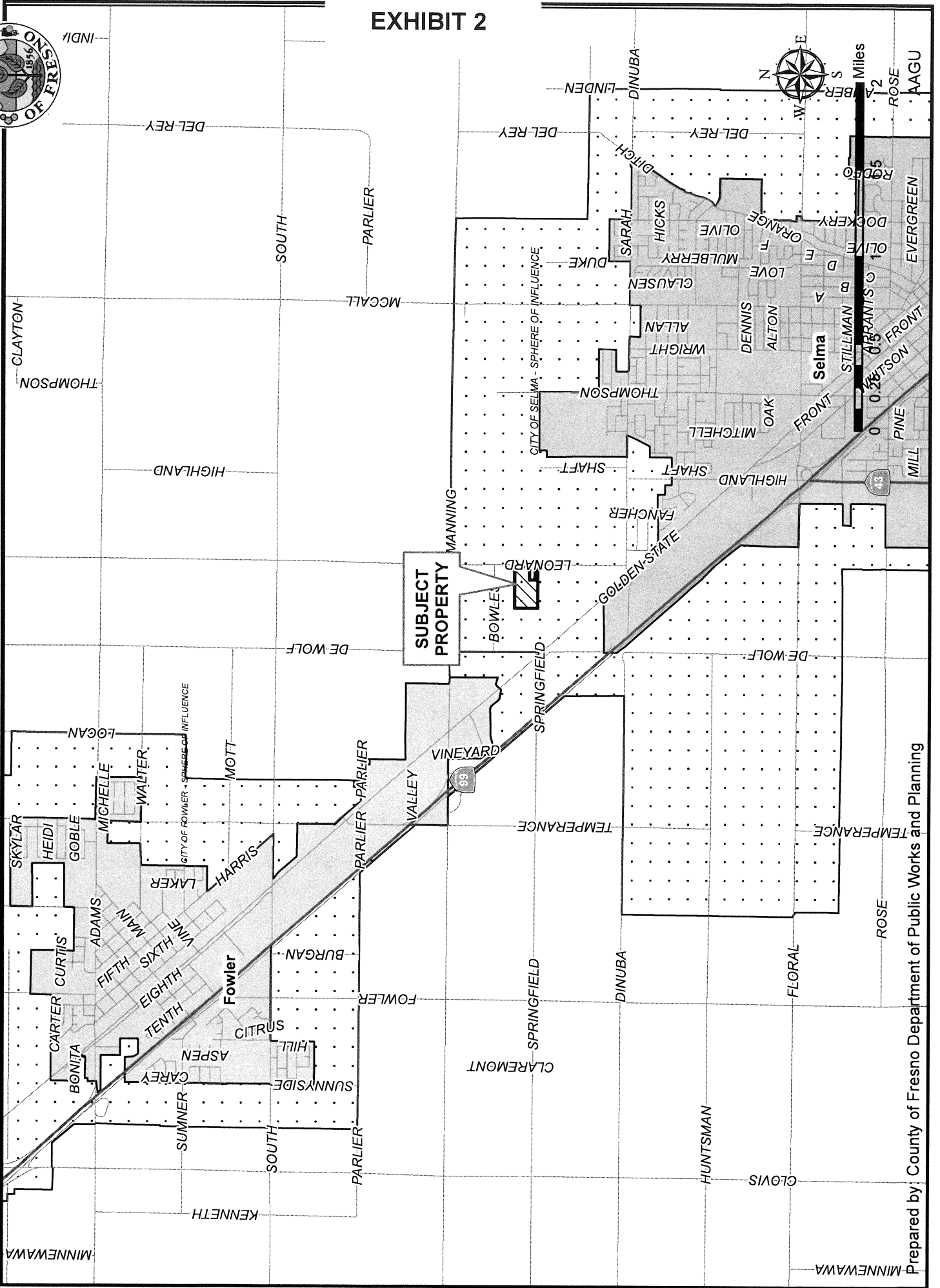
C:\MM:ksn
G:\4360Devs&P\in\PROJ\SEC\PROJ\DOCS\CUP\3500-3599\3570\SR\CUP3570 MMRP (Ex 1).docx

LOCATION MAP

EXHIBIT 2



CUP 3570



EXISTING ZONING MAP



EXHIBIT 3

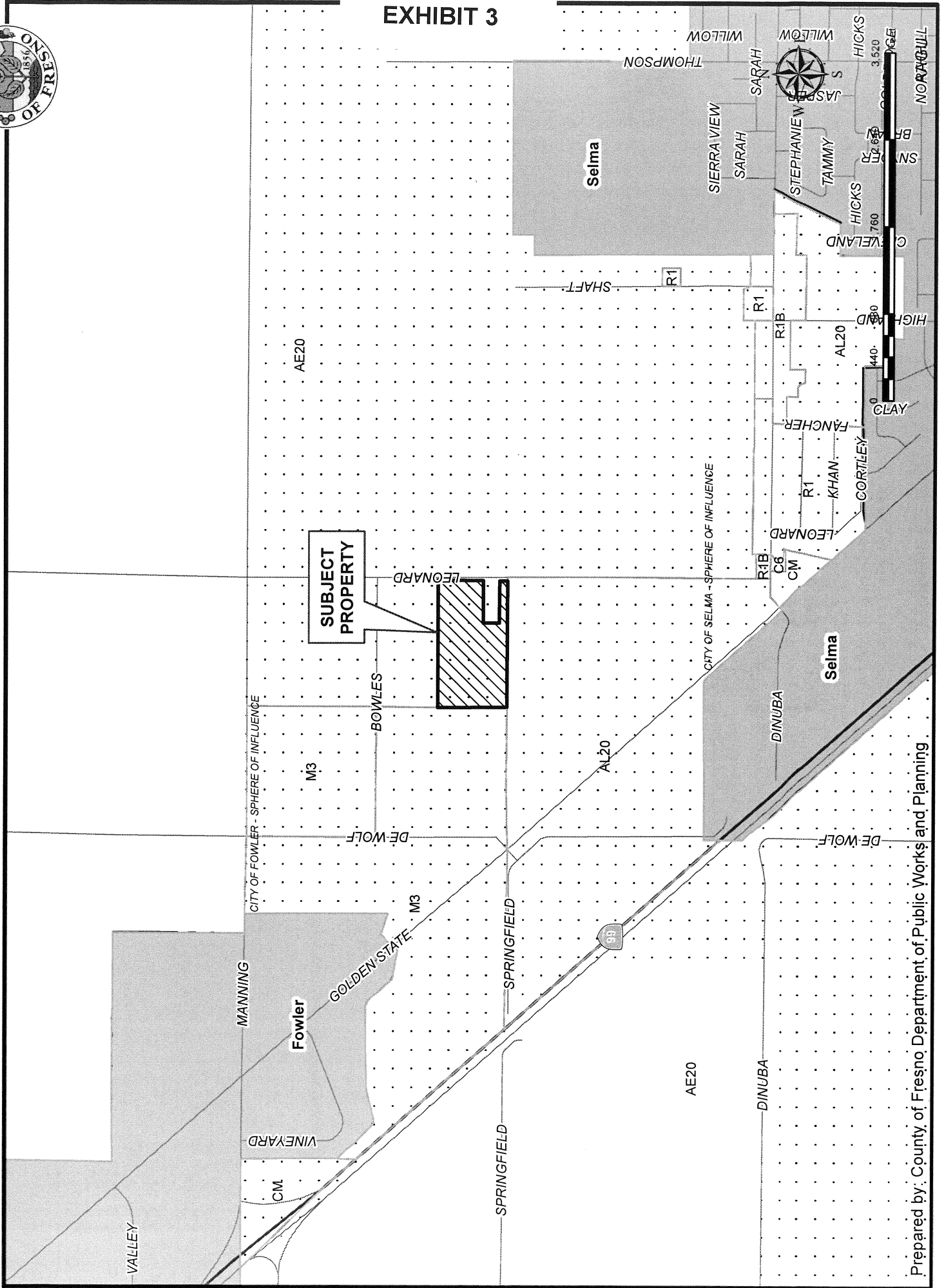




EXHIBIT 4

EXISTING LAND USE MAP

CUP 3570

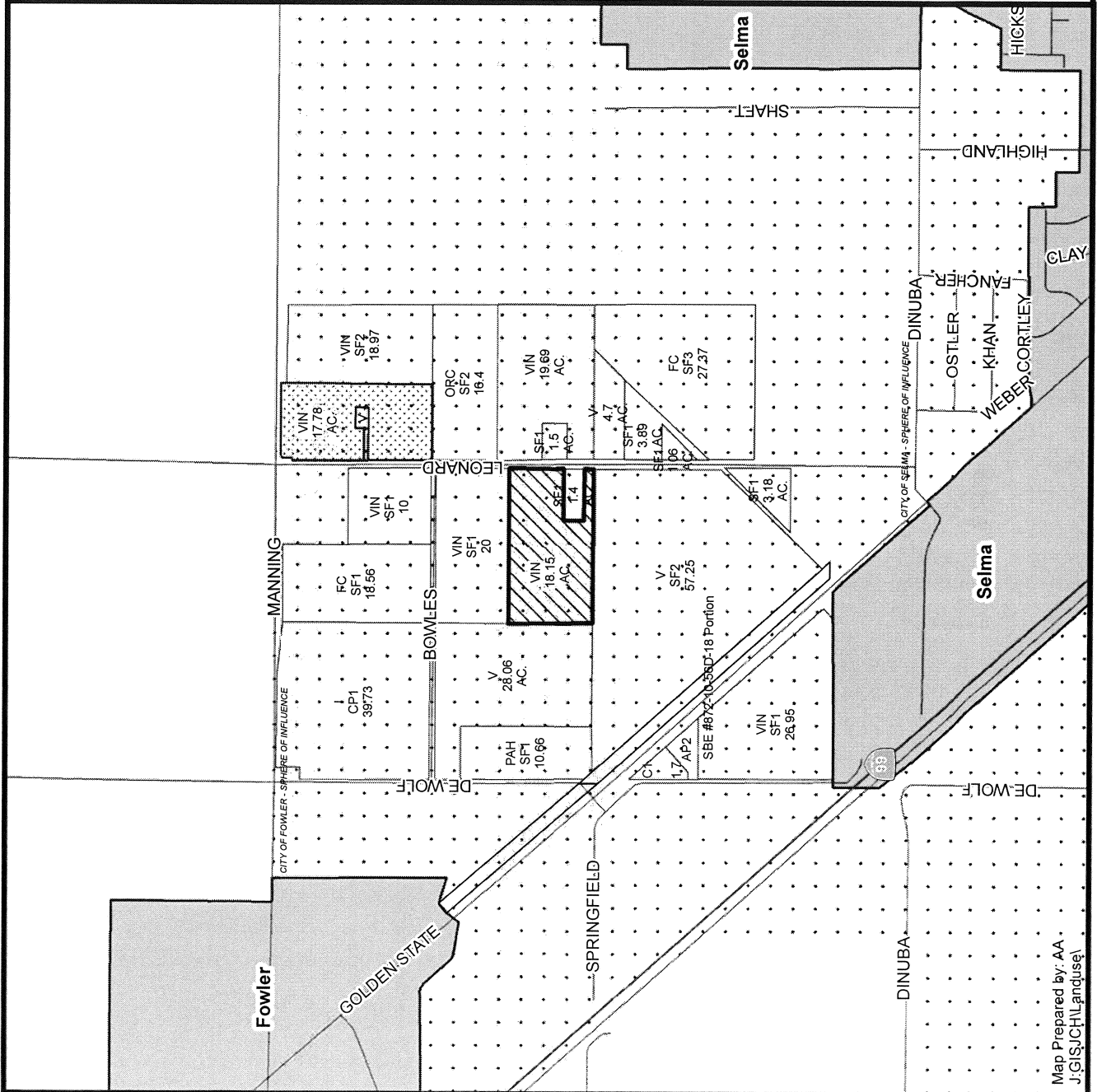
LEGEND	
CP# - OFFICE COMM./PROF	
AP1 - APARTMENT	
C# - COMMERCIAL	
FC - FIELD CROP	
I - INDUSTRIAL	
ORC - ORCHARD	
PAH - PACKING HOUSE	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	
VIN - VINEYARD	

LEGEND:

-  Subject Property
-  Ag Contract Land



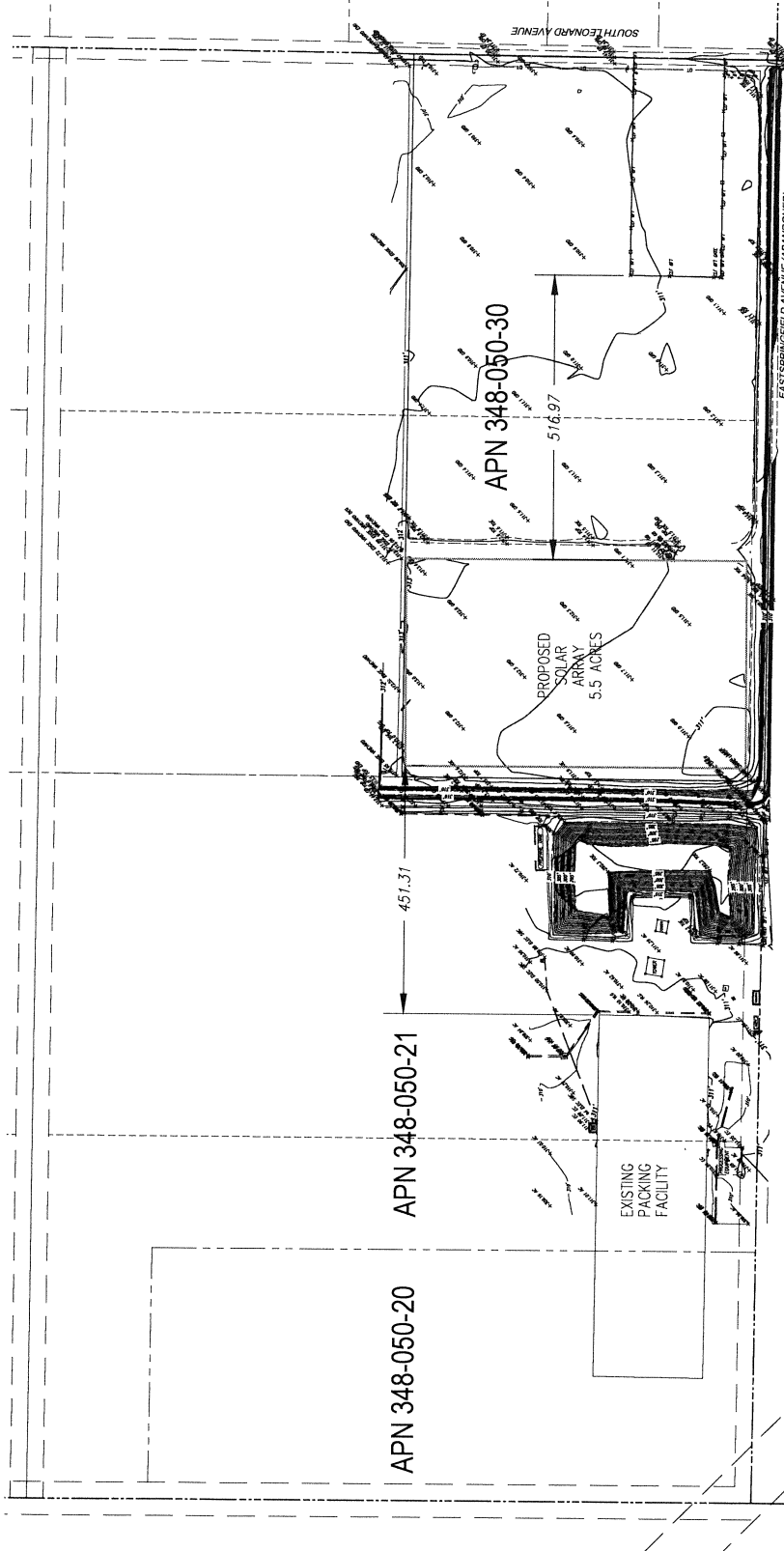
Department of Public Works and Planning
Development Services Division



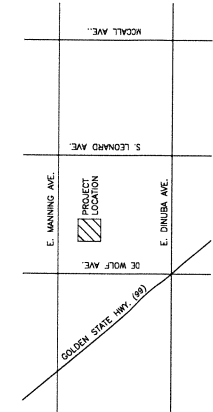
Map Prepared by: AA
J.G.S./CHL/anduse1

LION RAISIN INC. PHOTOVOLTAIC ARRAY

FRESNO COUNTY APN 348-050-30 (ARRAY SITE), APN 348-050-21 (POINT OF INTERCONNECTION)
840 kW-AC STC RATED SOLAR ELECTRIC SYSTEM



VICINITY MAP



LEGEND

- EXISTING SITE BOUNDARY
- EXISTING PARCEL LINE
- EXISTING UTILITY EASEMENTS
- EXISTING BARRIERS
- EXISTING EDGE OF PAVEMENT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING FENCE

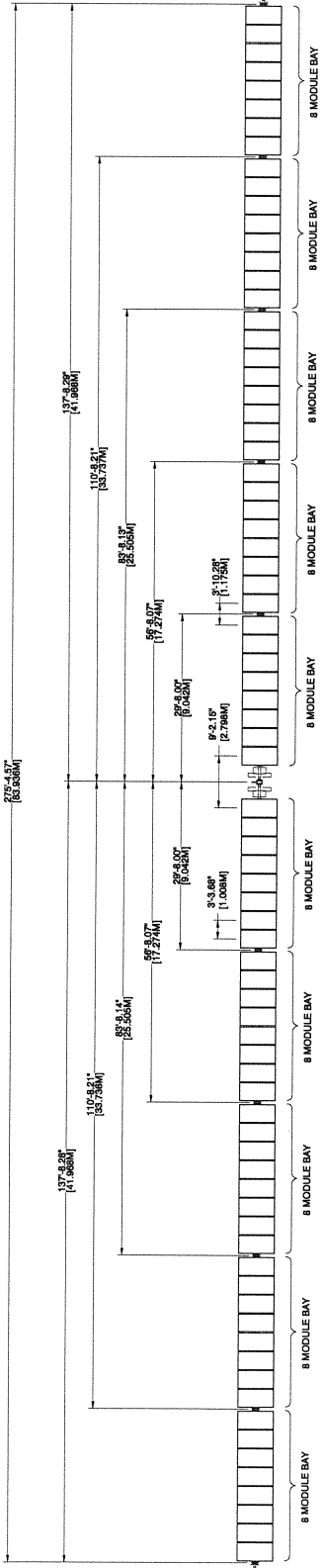
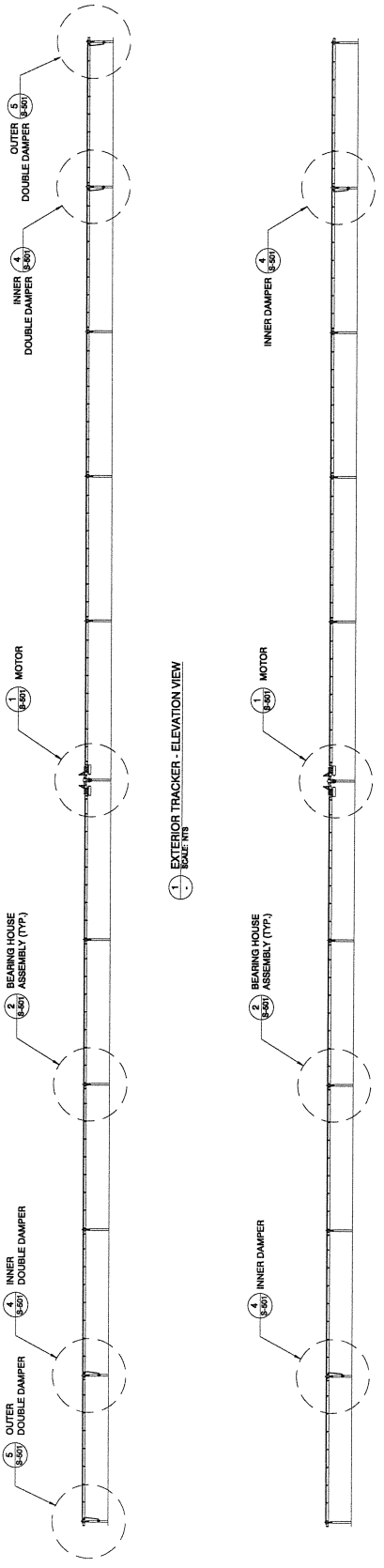
GENERAL NOTES

- 1) EXISTING SITE BOUNDARY
- 2) EXISTING PARCEL LINE
- 3) EXISTING UTILITY EASEMENTS
- 4) EXISTING BARRIERS
- 5) EXISTING EDGE OF PAVEMENT
- 6) EXISTING MAJOR CONTOUR
- 7) EXISTING MINOR CONTOUR
- 8) EXISTING FENCE
- 9) EXISTING RETENTION BARRIERS
- 10) NO LANDSCAPING PLANNED FOR THIS DEVELOPMENT
- 11) LANDSCAPING NOT PLANNED FOR THIS DEVELOPMENT
- 12) ELECTRICAL UTILITIES - POLE
- 13) ELECTRICAL UTILITIES - UNDERGROUND
- 14) ELECTRICAL UTILITIES - PUMP
- 15) ELECTRICAL UTILITIES - PUMP

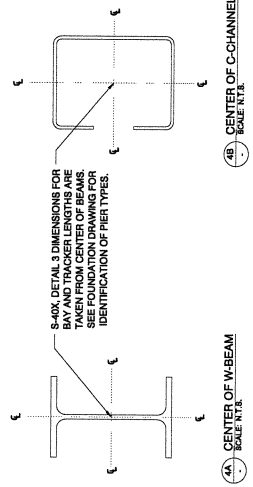
Com Solar
559-667-9200
17000 ST. VASALA, CA
93727

EXHIBIT 5

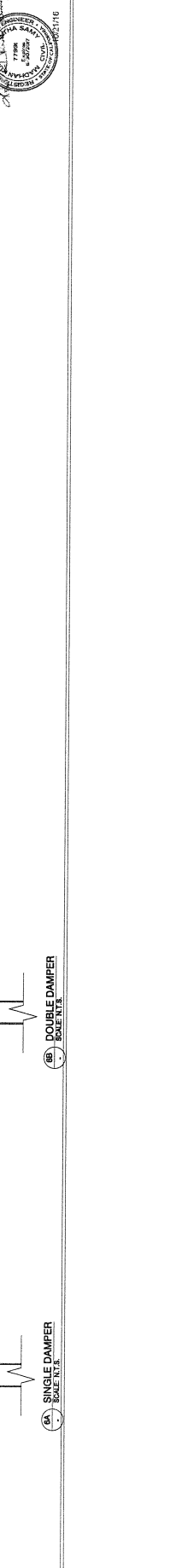
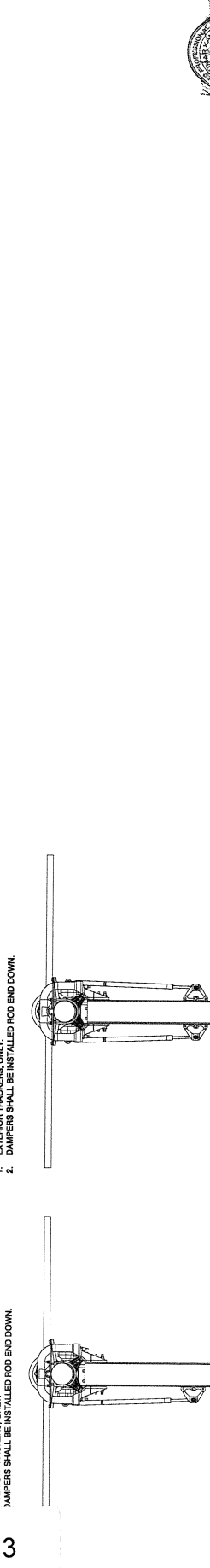
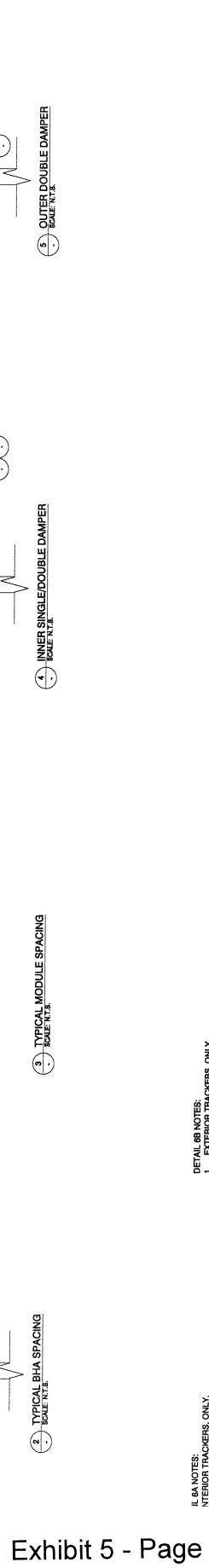
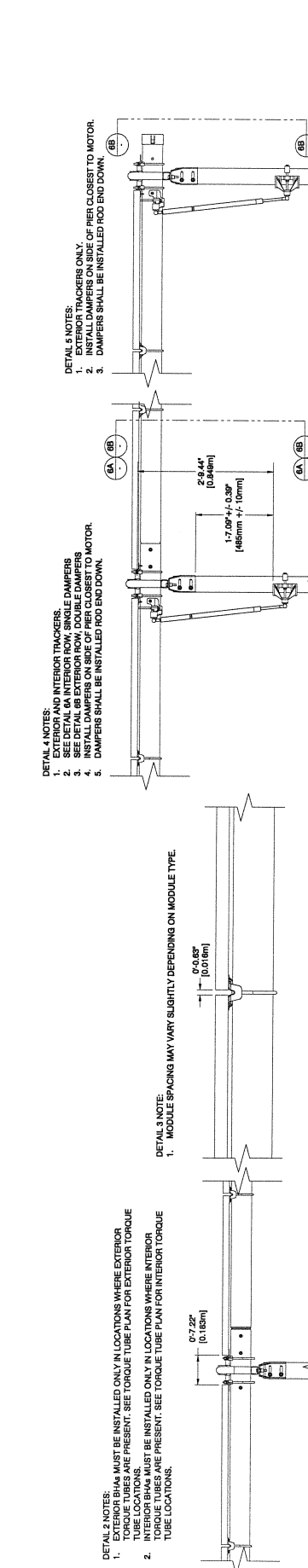
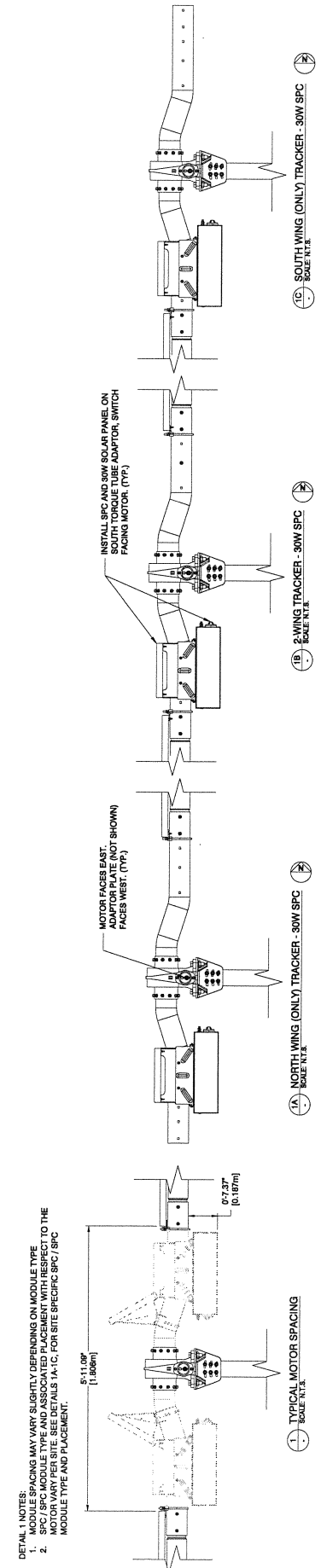
PROJECT:	840 KW-AC GROUND MOUNTED PHOTOVOLTAIC SYSTEM WITH RAINWATER HARVESTING SYSTEM
OWNER:	LION RAISIN INC. BY ARRAY
DESIGNER:	PRECISION LAND ENGINEERING, INC.
DATE:	08/11/2021
DESCRIPTION:	
ENGINEER OF RECORD:	
CHECKED BY:	
DATE:	
SCALE:	
SHEET:	
DATE:	10/14/21



3. TYPICAL TRACKER SPACING
SCALE: N.T.S.



- NOTES:
1. PIER DIMENSIONS SHOWN ARE MEASURED FROM CENTER OF BEAM TO CENTER OF BEAM. SEE DETAILS 4A & 4B.
 2. MOTOR AND BEARING HOUSE ASSEMBLY DIMENSIONS ON MODULE TYPE, SPC AND SPC-MODULE TYPE, VARY Slightly DEPENDING ON MODULE TYPE.
 3. MOTOR ARE SPECIFIC TO SITE TEMPERATURES AND HEMISPHERE. SEE 9-001 DETAILS 1A1C FOR IDENTIFICATION OF SPC AND SPC-MODULE TYPE / ORIENTATION.



DETAIL 1 NOTES:
 1. MODULE SPACING MAY VARY SLIGHTLY DEPENDING ON MODULE TYPE
 2. SPC / SPC MODULE TYPE AND ASSOCIATED PLACEMENT WITH RESPECT TO THE ADAPTOR PLATE DETAILS 1A-1C, FOR SITE SPECIFIC SPC / SPC MODULE TYPE AND PLACEMENT.

DETAIL 2 NOTES:
 1. MOTOR MUST BE INSTALLED ONLY IN LOCATIONS WHERE EXTERIOR TORQUE TUBES ARE PRESENT. SEE TORQUE TUBE PLAN FOR EXTERIOR TORQUE TUBE LOCATIONS.
 2. INTERIOR BHAs MUST BE INSTALLED ONLY IN LOCATIONS WHERE INTERIOR TORQUE TUBES ARE PRESENT. SEE TORQUE TUBE PLAN FOR INTERIOR TORQUE TUBE LOCATIONS.

DETAIL 3 NOTE:
 1. MODULE SPACING MAY VARY SLIGHTLY DEPENDING ON MODULE TYPE.

DETAIL 4 NOTES:
 1. EXTERIOR TRACKERS, SINGLE DAMPERS
 2. SEE DETAIL 6A INTERIOR ROW, DOUBLE DAMPERS
 3. SEE DETAIL 6B EXTERIOR ROW, DOUBLE DAMPERS
 4. DAMPERS SHALL BE INSTALLED ROD END DOWN.

DETAIL 5 NOTES:
 1. EXTERIOR TRACKERS ONLY, SINGLE DAMPERS
 2. DAMPERS SHALL BE INSTALLED ROD END DOWN.

DETAIL 6A NOTES:
 1. EXTERIOR TRACKERS ONLY, INTERIOR DAMPERS SHALL BE INSTALLED ROD END DOWN.

DETAIL 6B NOTES:
 1. EXTERIOR TRACKERS ONLY, INTERIOR DAMPERS SHALL BE INSTALLED ROD END DOWN.



EXHIBIT 7

OPERATIONAL STATEMENT

Lion Raisins Inc.
9500 S. De Wolf Ave.
Selma, CA 93662

Applicant:

Lion Raisins, Inc.
9500 S. De Wolf Ave
Selma, CA 93662

Representative:

California Commercial Solar Inc.
635 S. Atwood St.
Visalia, CA 93277
(559) 667-9200

Parcel Information:

APN – 348-050-30

Parcel size – +/- 18.15 Acres

Description – Portion Of SE 1/4 NW 1/4 SEC 25, T15S R21E, M.D.B.&M

Zoning – AE20

Location – Southwest of the E. Manning Ave. and S. Leonard Ave. intersection.

Description of the Proposed Project:

Lion Raisins, Inc. has contracted with California Commercial Solar, Inc., CSLB# 986500, to engineer, procure, and install a 1108.8kW_DC solar electric (photovoltaic, or PV) system on said property. The footprint of this PV array will be approximately 5.6 acres and consist of 3,360 solar modules mounted on a single axis tracking system.

The PV System will be used entirely for net metering, that is, it will offset electricity used by the packing facility adjacent to this property, on APN 348-050-21, which is zoned M3. The array will be for electrical offset and will not produce excess generation to be sold to the grid.

No additional traffic will be generated as this is an unmanned facility.

No additional customers, visitors, or employees will be generated.

There will be no delivery vehicles at the site. Maintenance will be performed on a bi-annual basis.

Access to the site will be via Leonard Ave. and private dirt access road.

No parking spaces will be needed as this is an unmanned facility.

No goods will be sold on-site.

Equipment used will consist of modules (Trina Solar 330W modules), Inverters (Huawei 30kW), and racking (NEXTracker single axis tracker).

There will be no storing of materials on site.

The system will not cause any unsightly appearance, noise, glare, dust, or odor.

No solid or liquid waste will be produced.

No water will be used.

A 3'x4' California Commercial Solar sign may be placed on the perimeter fence once construction is complete and system is operational.

No buildings will be constructed on site.

No outdoor lighting will be utilized.

A 6' tall chain link perimeter fence with 3-strand barbed wire is proposed.

Lion Raisins Inc., a California Corporation



Signature of Owner

AL LION

Name

2/14/12

Date



EXHIBIT 8

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Lion Raisins, Inc.

APPLICATION NOS.: Initial Study Application No. 7269 and Conditional Use Permit Application No. 3570

DESCRIPTION: Allow an 1108.8kW DC ground mount solar array on a 5-acre portion of an 18.15-acre parcel that will offset energy use at the Raisin Processing Plant on an adjacent parcel.

LOCATION: The subject parcels are located on the west side of South Leonard Avenue, between East Manning Avenue and East Dinuba Avenue, approximately 2,000 feet north of the nearest limits of the City of Selma. (APNs: 348-050-30 and 348-050-21) Sup. Dist. 4

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?

FINDING: NO IMPACT:

The project site is not located in an area that has been designated as a scenic vista. South Leonard Avenue, which provides access to the site, is not a scenic or landscaped drive. Those roads with a potential to view the project site include East Manning Avenue, East Dinuba Avenue, De Wolf Avenue, and Golden State Boulevard. None of these roads have been designated as scenic drives or highways. No trees, rock outcroppings, or buildings will be removed as part of this application.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located at a boundary of land uses due to its location adjacent to the Golden State Industrial Corridor. Parcels to the west are zoned for industrial uses and parcels to the east are agricultural. The western parcel operates a raisin packing facility and the parcel to the northwest contains a commercial/professional office

building which operates a returnable packaging operation. The raisin packing facility is owned by the applicant and approval of this application will allow the solar array to offset electricity usage at this facility. The parcels to the north and east are improved with vineyards and single-family residences. The parcel to the south is vacant. One parcel exists that is bounded on three sides by the subject parcel; this 1.4-acre property is surrounded by the vineyard and the nearest edge of the property line is approximately 515 feet east of the proposed solar array. Review of the elevations show that the array will be no taller than 4 feet, 10 inches. This height will allow the vineyard and proposed fence around the project site to screen the solar array from view of the residence. The distance between the project and the residence is a relatively flat surface, which will also help to reduce visibility of the array. Therefore, there is a less than significant impact on this nearby residence.

Since this application proposes to install the solar array adjacent to the existing Raisin packing facility, there will be a less than significant impact on the character of the area, which is a mixture of semi-industrial and agricultural uses.

- 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:

While the installation of solar panels may increase the amount of glare in the area, this project will have a less than significant impact on glare because the site is not located near a public road. As discussed in Section I.C (above), this area is generally flat and the existing vineyards and proposed fence provide some screening of glare from Leonard Avenue.

There is no lighting proposed with this application.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located on land that was designated by the Fresno County Important Farmlands 2014 map as Prime Farmland and Farmland of Statewide Importance. This does not present a significant impact to farmland because the solar array will offset power use at an adjacent raisin packing facility that adds value to existing crops through processing. Of the 18.15 acre-property, approximately 5.5 acres will be removed from farmland production for the solar facility. The remainder of the parcel will remain agricultural. The parcel is not restricted by a Williamson Act Contract.

- 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: NO IMPACT:

The subject parcel is not restricted by a Williamson Act Contract and is not located on forestland or timberland. This type of project will not result in the conversion of Farmland to non-agricultural uses or convert forestland to non-forest use. The scope is limited to providing offset energy to the existing raisin packing facility.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate 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; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While temporary impacts may occur during construction activities, this project was reviewed by the San Joaquin Valley Unified Air Pollution Control District, which expressed no concerns with the project's operational air emissions.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are 17 special status species that may occur in the site's vicinity, of which, 13 are endangered or threatened animals and four are endangered or threatened plants; Vernal pool fairy shrimp, valley elderberry longhorn beetle, molestan blister beetle, delta smelt, California tiger salamander, California red-legged frog, California glossy snake, blunt-nosed leopard lizard, coast horned lizard, giant garter snake, western yellow-billed cuckoo, Fresno kangaroo rat, San Joaquin kit fox, California jewel-flower, California satintail, Madera leptosiphon, and Greene's tuctoria. No occurrences of special status species have been documented on the project site (California Department of Fish and Game Natural Diversity Database [CNDDDB] 2017).

On March 31, 2017, Precision Civil Engineering biologists conducted a reconnaissance-level survey of the project area to search for special status species, and to determine the potential presence of suitable habitat for these species. Based on findings there is disturbed, marginally-suitable habitat for five state and/or federally listed sensitive status animal species adjacent the project impact area: California red-legged frog, California tiger salamander, Blunt-nosed leopard lizard, Giant garter snake, and San Joaquin Kit fox. Due to the site's disturbed nature, there is a low potential for these species to be present. A review of CNDDDB GIS sightings within a 2-mile radius of the site indicates a sighting of Western yellow-billed cuckoo to the south of the site.

Two species of amphibians have a low potential to occur onsite; the California Redlegged Frog (*Rana aurora draytonii*) and the California tiger salamander (*Ambystoma californiense*). The California Red-legged Frog requires emergent riparian vegetation, upland vegetation, and 11-20 weeks of permanent water for larval development. The site lacks permanent water, suitable emergent riparian vegetation, and upland vegetation. Based on these factors the species is not likely to occur. No observations of the species were recorded during the survey. The California tiger salamander requires underground refuges, in the form of ground squirrel burrows and vernal pools or other seasonal water sources for breeding. The banks of the irrigation ditch adjacent to the site contain ground squirrel borrows but the site lacks vernal pools or other seasonal water sources. Based on this factor, the species is not likely to occur on the site. No observations of the species were recorded during the survey.

Two reptile species have a low potential to occur onsite; the Blunt-nosed leopard lizard (*Gambelia sila*) and the Giant Garter Snake (*Thamnophis gigas*). The blunt-nosed leopard lizard seeks cover in mammal burrows, under shrubs or structures such as fence posts; they do not excavate their own burrows. They are typically found in sparsely vegetated alkali and desert scrub habitats, in areas of low topographic relief. Due to the disturbed nature of the site the blunt-nosed leopard lizard is not likely to occur onsite. No observations of the species were recorded during the survey. Giant garter snake prefers freshwater marsh and low gradient streams. The species has adapted to drainage canals & irrigation ditches. Due to the lack of a permanent water source this species is not likely to occur and is presumed absent from the site. No observations of the species were recorded during the survey.

One mammal species has a low potential to occur on site: the San Joaquin Kit Fox (*Vulpes macrotis mutica*). The species needs loose-textured sandy soils for burrowing (or ground squirrel burrows) and suitable prey base. Due to the heavy agricultural

impacts to the site, the species is not likely to occur and is presumed absent. There were no observations of the species during the survey.

The project site is located adjacent to the Golden State Industrial Corridor. Parcels in this corridor have generally been developed for industrial uses and do not provide habitat. Golden State Boulevard and Highway 99 are less than one mile west of the project site. Given this development, it is unlikely that any special status species will traverse the project site towards one of these areas.

- 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- 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?

FINDING: NO IMPACT:

A preliminary wetland assessment was conducted during the reconnaissance-level site visit conducted on March 31, 2017. Vegetation observed on-site included Bermuda grass (*Cynodon dactylon*) and pineapple weed (*Matricaria discoidea*). The site is maintained and disked with very little vegetation. The plant species found within the proposed project site are upland or non-indicator species, and as such would not constitute wetland vegetation. No Obligate Wetland Indicator Species (species that occur within wetlands 100% of the time) were observed on-site. The adjacent irrigation ditch did not contain any vegetation and appears to be maintained and sprayed with an herbicide.

The National Wetlands Inventory does not identify any natural wetlands at the project site. The irrigation ditch is an excavated riverine system with an unconsolidated bottom. It is semi-permanently flooded, which means that surface water persists throughout the growing season in most years. This canal is not a protected wetland and does not provide habitat for sensitive species.

- 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 site is not subject to any local policies or ordinances protecting biological resources. There are no applicable Habitat Conservation Plans or Natural Community Conservation Plans in the vicinity of the project.

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; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is not located in an area which has been designated as moderately or highly sensitive to archaeological finds. There are two Tribes within Fresno County who have requested notification of projects under the provisions of Assembly Bill 52. On March 14, 2017, Robert Pennell responded to the request for comments with a statement that Table Mountain Rancheria declined to consult on the project. A letter was sent to Santa Rosa Rancheria on February 24, 2017. Receipt of the letter was confirmed on February 27, 2017. As of April 20, 2017, staff received no response from Santa Rosa Rancheria.

The ground in this area has not been surveyed for cultural resources; however, the site visit conducted on March 31, 2017 identified that the entirety of the site was disked and graded agricultural land. These types of areas are unlikely to contain artifacts, but existing agricultural use does not preclude the possibility that artifacts may exist. In order to prevent such possible impacts, a mitigation measure will be placed on the project to ensure appropriate handling of resources.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-*

Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-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?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

According to the Fault Activity Map of California (2010), the subject parcel is not located near a known fault line. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is located in an area with a zero to twenty percent peak horizontal ground acceleration. Figure 9-6 (FCGPBR) indicates that the project site is not in an area at landslide hazards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from grading activities associated with this proposal. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water runoff generated by the project will be handled without adversely impacting adjacent properties shall be provided to that Section for review and approval. With adherence to this requirement, which will be included as a project note, potential erosion impacts are reduced to a less than significant level.

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 is not located in an area at risk of landslide. Topography at the project site is generally flat with an elevation that varies between 310 and 313 feet above sea level. Soils at the site are comprised of Delhi loamy sand and Tujunga loamy sand (0 to 3 percent slopes) which are excessively drained and have a low water capacity. Figure 7-1 (FCGPBR) indicates that the project site is not in an area with 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: NO IMPACT:

There are no septic systems associated with this proposal as the proposed use does not entail utilization of on-site sewage disposal systems. The facility will be unmanned.

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 any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project was reviewed by the San Joaquin Valley Unified Air Pollution Control District, which expressed no concerns with the project's air emissions. Temporary impacts may occur during construction activities; however, once the project is built, there will be no emission of greenhouse gases. This project is expected to reduce greenhouse gas emissions by offsetting carbon-based energy use at the adjacent raisin packing facility.

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; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Within 30 days of the occurrence of any of the following events the applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map: there is a 100% or more increase in the quantities of a previously disclosed material; or

the facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. With adherence to these requirements, which will be included as project Notes, this proposal will have a less than significant impact in regard to the handling and accidental release of hazardous materials. Additionally, there are no schools within one quarter mile of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Lion Packing Company, which is adjacent to the project site, is included on the Certified Unified Protection Agency (CUPA)'s solid waste resource list as an industrial waste discharger. Power generated by the project site is proposed to offset energy use at this facility.

Review of the National Priorities list indicates that the project site and all surrounding properties are not hazardous waste sites.

- E. Would a project 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:

There are two airports within two miles of the project site: the Selma Airport and Quinn Airport. However, the project site will be unmanned except for maintenance and cleaning visits. The site is within the edge of the Selma Airport secondary review zone.

The Airport Land Use Policy Plan for Fresno County Airports discusses the type of uses which are allowed within Community Noise Equivalent Level (CNEL) zones and Safety zones. Since this project is not within such a zone, those policies do not apply. General policies regarding the scope of the Airport Land Commission's Review state that "within the Secondary Review Area of an airport, only those projects involving a structure or other object the height of which would exceed that permitted under the adopted land use zoning need be referred to the Commission for review." Because this application does not involve structures in excess of the permitted height of the Zone District, it is consistent with this plan.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or

- H. Would the project 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: NO IMPACT:

The project site is not located in an area of wildfire hazards. Approval will not impair implementation of an adopted Emergency Response or Evacuation Plan.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- 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: NO IMPACT:

This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with the project as it relates to water quantity because the subject parcel is not located in a water short area. No other water extraction uses will be associated with the project.

- 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?

FINDING: NO IMPACT:

The subject parcel is not located near any streams or rivers.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant will be required to obtain a grading permit or voucher prior to performing any grading activities on this property. This existing regulation will reduce the impact of stormwater runoff and water quality to less than significant.

- 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:

According to FEMA FIRM Panel No. 2650 of 3525 (February 18, 2009), the project site is not located in an area at risk of flood hazard due to the 100-year storm.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in an area that is at risk of inundation by flooding according to Figure 9-8 (FCGPBR). Development in this area must be flood proof in accordance with existing floodplain regulations. Compliance will reduce impacts from inundation due to dam failure to less than significant.

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

FINDING: NO IMPACT:

The subject parcel is not located near a body of water capable of producing seiche or tsunami. Figure 9-6 indicates that the project site is outside the area of landslide hazards in Fresno County.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project site is located on the southwestern 5 acres of an 18.15-acre parcel. The nearest community to the project site is the City of Selma, which is approximately 2,000 feet south of the subject parcel.

- 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 subject property is designated Agriculture in the General Plan and the following Land Use Policies apply to this application:

Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:

- a) The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics;*
- b) The use should not be sited on productive agricultural lands if less productive land is available in the vicinity;*
- c) The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius;*
- d) A probable workforce should be located nearby or be readily available;*

The proposed solar array will offset energy use at the adjacent fruit packing facility. The current proposal depicts the array in the southwestern corner of the subject parcel, which is approximately 450 feet east of the existing facility. This location will reduce the distance that power lines will need to run in order to provide solar energy to the facility. The array will be built on land which is classified as prime farmland and farmland of state-wide importance; however, there is no other undeveloped land in the vicinity which is suitable for this project. In this area, industrial land uses near North Golden State Boulevard operate adjacent to high quality agricultural land. Because the project must be located near the existing packing facility, there are no other sites with less-productive land. No impacts to the water supply were identified and the project will be unmanned excepting maintenance visits. The project is consistent with LU-A.3.

Policy LU-A.13: The County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

This application proposes to install fencing around the project site. Impacts to adjacent farming operations are expected to be less than significant because the project site is bounded on the west by the recipient packing facility site and to the south by a vacant parcel. These parcels are within the Golden State Industrial Corridor and are not designated for agricultural use. The location of the project site is such that the northern and eastern borders are set back from the property lines by more than 500 feet. The Fresno County Department of Agriculture reviewed this application and did not identify any concerns that the facility would negatively impact agricultural operations in the area.

Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

The conversion of productive agricultural land was discussed in Section II. No mitigation for the conversion of farmland was required.

Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.

The subject property is within the City of Selma's Sphere of Influence (SOI). The project was routed to the City of Selma, who identified concerns regarding the condition of Leonard Avenue and the aesthetic impact of the array (discussed in Section I.D). Traffic is discussed in Section XVI. In both cases, the impacts were determined to be less than significant.

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

FINDING: NO IMPACT:

The subject parcel is not located within a 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:

According to Figure 7-7 (FCGPBR), the subject parcel is not located in an area with known mineral resources, or on a mineral resources recovery site.

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 levels; 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:

This proposal has the potential to generate additional noise from construction activity associated with development of the project site. As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications. Noise sources associated with construction, provided such activities do not take place before six a.m. or after nine p.m. on any day except Saturday or Sunday, or before seven a.m. or after five p.m. on Saturday or Sunday, are exempt from Fresno County Noise Standards (Title 8 – Health and Safety Section 8.40.060.C). This requirement will be included as a project Note. Additionally, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division which expressed no concerns in regard to noise.

- 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:

The project site is not located in a noise corridor or zone for an airport. Following construction, the project site will be unmanned, excepting maintenance visits.

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 site is located in a 5.5-acre portion of an 18.15-acre parcel. Historically, this land has either been engaged in agricultural production or it has lain fallow. The solar array will not induce population growth nor will it displace substantial numbers of people or housing.

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;

2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District, which did not express any concerns with the project. Additionally, any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a project Note. No impacts on the provision of other services were identified in the project analysis.

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 such impacts were identified as part of the analysis. The scope of this project is limited to allowing the installation of a solar array to offset energy usage at a fruit packing facility.

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; or
- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- 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:

There is no increase to traffic generated by this parcel or to the continued operation of the packing facility. Outside of the initial trips required for construction and bi-annual maintenance trips, there will be no one on site. Therefore, this project will have no impacts on the performance of the traffic circulation system, congestion management programs, or traffic hazards. The maximum height of any structure proposed with this project is the six-foot chain link fence, which will not impact air traffic patterns.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or

FINDING: NO IMPACT:

The adjacent raisin packing facility currently operates under a domestic water supply permit issued by the State Water Resources Control Board. Review of the proposal by this Board determined that the solar array will not impact the water system or its operation.

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

Following construction activities, this project will generate no solid or liquid waste.

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 WITH MITIGATION INCORPORATED:

See discussion in Section V: Cultural Resources.

- B. Does the project have impacts that are individually limited, but cumulatively considerable; or
- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No cumulative impacts were identified in this analysis. No substantial adverse effects on human beings were identified.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3570, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Greenhouse Gases, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems.

Potential impacts related to Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, and Noise have been determined to be less than significant.

Potential impacts relating to Cultural Resources have determined to be less than significant with compliance with the listed 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.

CMM

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3570\IS-CEQA\CUP 3570 IS writeup - FINAL.docx