



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 December 8, 2016

SUBJECT: Initial Study No. 6426 and Unclassified Conditional Use Permit No. 3334 – Third One-Year Time Extension

Grant a third one-year time extension to exercise Unclassified Conditional Use Permit No. 3334 which authorizes a photovoltaic solar power generation facility with related improvements, including a substation with an 80-foot-tall electrical utility pole, a 30-foot-tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot-tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven and one-quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist. 1) (APNs 005-060-17S, 18S).

OWNERS: MVP Farms, LP
APPLICANT: GASNA 13P, LLC

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Approve a third one-year Time Extension for Unclassified Conditional Use Permit No. 3334; 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. Applicant's correspondence requesting a third one-year Time Extension
5. Planning Commission Resolution and Staff Report dated July 26, 2012
6. Planning Commission Resolution and Staff Report dated August 7, 2014
7. Planning Commission Resolution and Staff Report dated October 8, 2015

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 6426 was approved by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Unclassified Conditional Use Permit Application No. 3334 on July 26, 2012.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to seven property owners within 1,320 feet of the subject property, exceeding the 300-foot 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 type of project.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the permit.

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

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) No. 3334 was approved by the Planning Commission on July 26, 2012 and became effective 15 days later. The Applicant filed their first one-year time extension request on April 15, 2014, which was approved by the Planning Commission on August 7, 2014. The approval of the first time extension request resulted in a new CUP expiration date of July 26, 2015.

The Applicant filed a second one-year Time Extension request on July 7, 2015, which was approved by the Planning Commission on October 8, 2015. The approval of the second Time Extension request resulted in a new CUP expiration date of July 26, 2016.

This third one-year Time Extension request was filed by the Applicant on June 23, 2016, within the time limit noted above. If this third Time Extension request is granted, the Applicant will have until July 26, 2017 to achieve substantial development of the photovoltaic solar power generation facility.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) No. 3334 was originally approved on July 26, 2012, concurrently with Initial Study (IS) No. 6426, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 5) documenting the Conditions imposed on the project. Subsequently, on August 7, 2014, a one-year time extension was granted which resulted in a CUP expiration date of July 26, 2015. Attached is a copy of the Planning Commission's Resolution (Exhibit 6) documenting approval of the first one-year time extension. Subsequently, on October 8, 2015, a second one-year Time Extension was granted which resulted in a CUP expiration date of July 26, 2016. Attached is a copy of the Planning Commission's Resolution (Exhibit 7) documenting approval of the second one-year Time Extension.

According to the Applicant's correspondence (email) requesting a third one-year Time Extension (Exhibit 4), additional time is needed to finalize contracts with Pacific Gas and Electric Company (PG&E) for the sale of electricity to be generated by the subject solar power generation facility. Staff notes that the subject solar power generation facility has not yet been constructed.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the applicant have caused delays which do not permit

compliance within the two-year time limit established by the Zoning Ordinance. 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 Unclassified Conditional Use Permit as originally approved.

The current time extension request was routed to the same agencies that reviewed this project on July 15, 2011. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the third one-year Time Extension for Unclassified Conditional Use Permit No. 3334 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to July 26, 2017.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the third one-year Time Extension for Unclassified Conditional Use Permit No. 3334; and
- Direct the Secretary to prepare a Resolution documenting the Commission's Action.

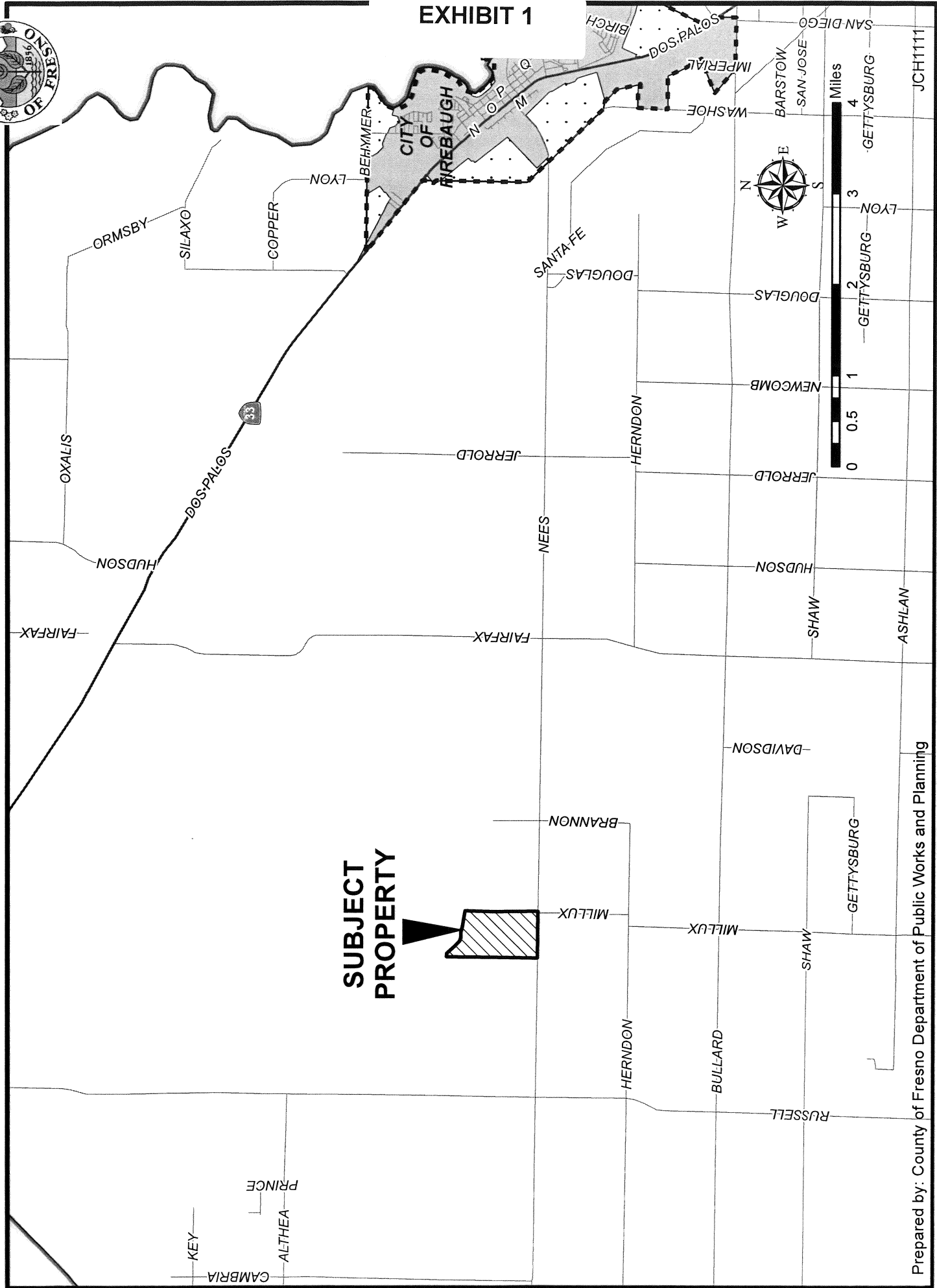
Alternative Motion (Denial Action)

- Move to deny the third one-year Time Extension request for Unclassified Conditional Use Permit No. 3334 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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LOCATION MAP

CUP 3334



EXISTING ZONING MAP

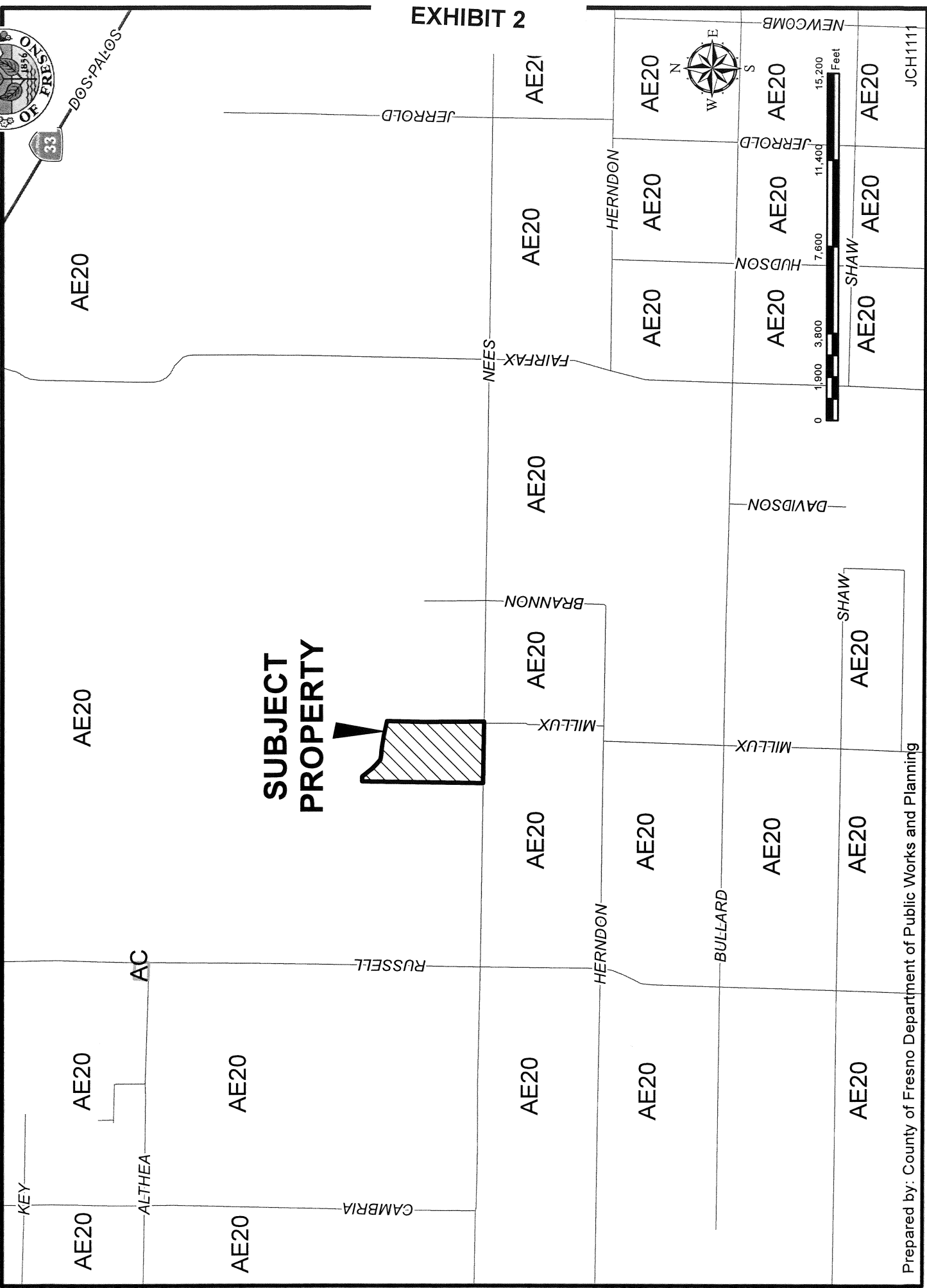


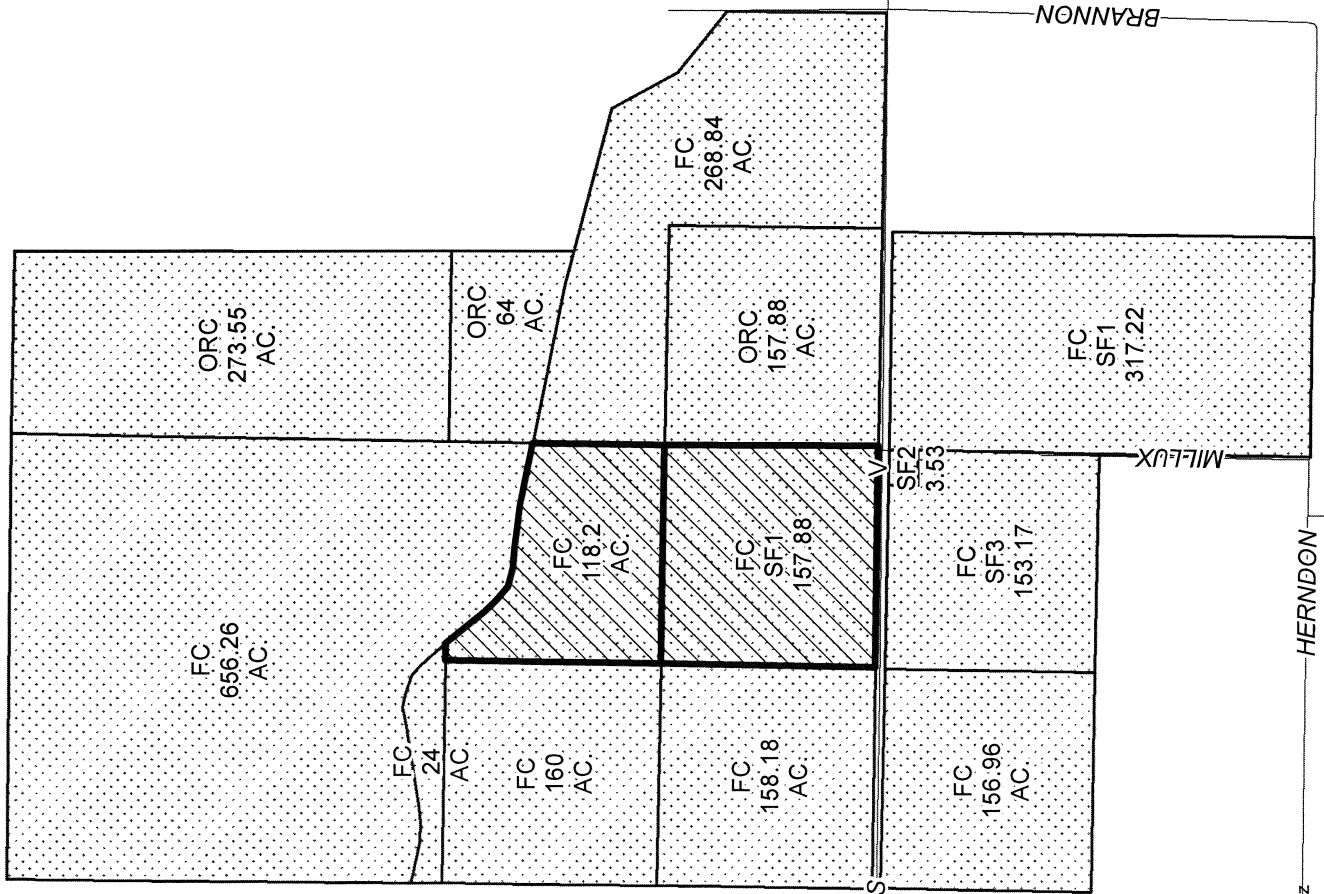
EXHIBIT 2

EXISTING LAND USE MAP

CUP 3334

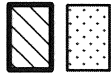


EXHIBIT 3

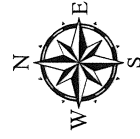


LEGEND
 SF#- SINGLE FAMILY RESIDE
 FC - FIELD CROP
 V - VACANT

LEGEND:



Subject Property
 Ag Contract Land



Department of Public Works and Planning
 Development Services Division

EXHIBIT 4

Chambers, Derek

From: lance.mobley@solar-frontier.com
Sent: Tuesday, June 21, 2016 9:34 AM
To: Chambers, Derek
Cc: ignacio.fuentes@solar-frontier.com; jeremy.yates@solar-frontier.com
Subject: CUP 3334 time extension
Attachments: 20160621 Gasna 13P CUP Extension Request Form and Payment.pdf

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

CAUTION!!!

This email has been flagged as containing one or more attachments from an outside source.

Please check the senders email address carefully.

If you were not expecting to receive an email with attachments, please DO NOT open the file.

Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Hi Derek,

Solar Frontier would like to make a formal request for a time extension to CUP 3334. Our company needs this additional time to secure contracts for the sale of power to a utility company from the proposed solar power plant. Attached to this email is a copy of the land use form requesting the time extension for this project, a hard copy of the form and associated extension fee will be routed to your attention at the County via Fedex 2 day shipping.

Please let us know if there is anything else you need from us to support this process.

Thank you,

Lance Mobley
Senior Project Manager



Solar Frontier Americas Development

50 California St., Ste. 820, San Francisco, CA 94111 | (510)734-5095 mobile

EXHIBIT 5



Inter Office Memo

DATE: July 26, 2012

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12304 - INITIAL STUDY APPLICATION NO. 6426,
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.
3334

APPLICANT: Gestamp Asetym Solar
OWNER: Michael and Irene Matson Trustees

REQUEST: Allow a photovoltaic solar power generation facility with related improvements, including a substation with an 80-foot tall electrical utility pole, a 30-foot tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven-and-a-quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist.: 1) (APNos: 005-060-17S, 18S).

PLANNING COMMISSION ACTION:

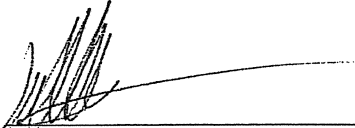
At its hearing of July 26, 2012, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Borba and seconded by Commissioner Rocca to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Classified Conditional Use Permit Application No. 3334, subject to the Conditions listed in Exhibit "B", with modifications to Condition No. 13 and Condition No. 14 to reflect revised Mitigation Measures requested by a non-governmental organization that represents wildlife interests.

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Rocca, Goodman, Mendes,
Niswander and Riojas
No: None
Absent: Commissioners Bath, Ferguson and Yates
Abstain: None

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Will Kettler, Division Manager
Development Services Division

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

Attachments

EXHIBIT "A"

Initial Study Application No. 6426
Unclassified Conditional Use Permit Application No. 3334

- Staff: The Fresno County Planning Commission considered the Staff Report dated July 26, 2012, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The Applicant believes the Mitigated Negative Declaration prepared for the project is sufficient as presented and no additional or modified mitigation is necessary.
 - The Applicant agrees to the request made by Defenders of Wildlife to revise Mitigation Measure No. 13 which addresses Burrowing Owl to include language suggested by Defenders of Wildlife and supported by the California Department of Fish and Game.
 - The Applicant agrees to the request made by Defenders of Wildlife and supported by the California Department of Fish and Game to revise Mitigation Measure No. 14, subsection o to require preconstruction surveys for San Joaquin Kit Fox no less than 14 days and no more than 30 days prior to ground disturbance and/or construction.
- Others: One other individual presented information in support of the project, and one individual representing Defenders of Wildlife expressed an ability to support the project should all the revised Mitigation Measures requested by Defenders of Wildlife be included.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the project.

Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 6426 / Unclassified Conditional Use Permit (CUP) No. 3334
(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 or roadways. | 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 permits, 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 to an agricultural use 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 PW&P and approved by the Fresno County Agricultural Commissioner's Office (ACO). 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/ACO | Ongoing; until the project lasts | |
| *4. | Agricultural and Forestry Resources | The project operator shall utilize pest control professionals to keep the project site free of rodents at all times. | Applicant | Applicant/PW&P/ACO | Ongoing; until the project lasts | |
| *5. | Agricultural and Forestry Resources | The project operator shall at all times keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard. | Applicant | Applicant/PW&P/ACO | Ongoing; until the project lasts | |

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| *6. | Air Quality | For each project phase, all records shall be maintained on-site during construction and for a period of ten years following either the end of construction or the issuance of the first Certificate of Occupancy, whichever is later. Records shall be made available for District inspection upon request. | Applicant | Applicant/PW&P/ San Joaquin Valley Air Pollution Control District (SJVAPCD) | Until the construction lasts |
| *7. | Air Quality | For each project phase, maintain records of: (1) the construction start and end dates; and (2) the date of issuance of the first Certificate of Occupancy, if applicable. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *8. | Air Quality | For each project phase, maintain records of total hours of operation for all construction equipment greater than 50 horsepower operated on-site. Within 30 days of completing construction of each project phase, submit to the District a summary report of total hours of operation, by equipment type and horsepower. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *9. | Biological Resources | The Applicant shall have a qualified Ornithologist survey the site during Hawk nesting season (March 1 – September 15) prior to project construction in accordance with the "Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys" dated 2000. | Applicant | Applicant/California Department of Fish and Game (CDFG) | As noted |
| *10. | Biological Resources | The applicant shall avoid construction activities within 0.5 mile of active Swainson's hawk nests. If nesting Swainson hawks are detected within 0.5 mile of the project site, all construction activities within 0.5 mile of the nest shall be delayed and the California Department of Fish and Game (DFG) shall be contacted immediately to determine how to implement the project and avoid Take. If take cannot be avoided, acquisition of an Incidental Take Permit will be required to avoid a violation of California Endangered Species Act (CESA). | Applicant | Applicant/CDFG | As noted |
| *11. | Biological Resources | If active Swainson's hawk nests are located within 10 miles of the project site, foraging habitat mitigation is required. The Applicant shall mitigate for the loss of foraging habitat as described in the DFG's 1994 Staff Report Regarding Mitigation for Impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California. Mitigation shall be subject to DFG approval. | Applicant | Applicant/CDFG | As noted |
| *12. | Biological Resources | As a documented Swainson's hawk nest is located within 10 miles of the project site, avoidance, minimization and mitigation measures described in the DFG's 1994 Staff Report Regarding Mitigation for Impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California shall be | Applicant | Applicant/CDFG | As noted |

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| | | implemented as a means to reduce impacts to less than significant levels. | Applicant | Applicant/CDFG/ United States Fish and Wildlife Service (USFWS) | As noted |
| *13. | Biological Resources | A qualified biologist as defined in the March 2012 California Department of Fish and Game's Staff Report on Burrowing Owl Mitigation shall conduct preconstruction survey(s) of the project site including off-site activities such as staging areas, gen-tie lines, substations, access roads, other off-site improvements, and a buffer zone of 50 meters (approximately 163 feet) between October 16 and March 31 and 200 meters (approximately 650 ft.) between April 1 and October 15 to locate any breeding or wintering burrowing owls. Preconstruction surveys shall occur no more than 14 days prior to the onset of construction or any ground disturbing activities. The preconstruction surveys shall comply with the protocols provided in the CDFG 2012 Staff Report for Burrowing Owls. The project site shall be resurveyed to locate any breeding or wintering burrowing owls in the event construction or ground disturbing activities are delayed or suspended for more than 14 days after the most recent preconstruction survey. Should any burrowing owls or burrowing owl habitat be identified the applicant shall follow the CDFG 2012 Staff Report for Burrowing Owls. | Applicant | Applicant/CDFG/ USFWS | As noted |
| *14. | Biological Resources | No more than 30 days before starting project-related activities, the applicant shall implement the year 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (Standardized Recommendations), found at http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/Documents/kitfox_standard_rec2011.pdf and are as follows: a. Project-related vehicles will observe a 20-mile-per-hour speed limit in all project areas, except on county roads and state and federal highways; this is particularly important at night, when San Joaquin kit foxes are most active. To the greatest extent practicable, nighttime construction shall be minimized and nighttime speed limit shall be 10-miles-per-hour. Off-road traffic outside of designated project areas will be prohibited. b. To prevent inadvertent entrapment of San Joaquin kit foxes during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet | Applicant | Applicant/CDFG/ USFWS | As noted |

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| | | <p>deep will be covered at the close of each working day by plywood or similar materials or provided with 1 or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured San Joaquin kit fox is discovered, the procedures under Biological Mitigation numbers 14(h), 14(k), 14(l), and 14(m) shall be followed.</p> | |
| | | <p>c. San Joaquin Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for 1 or more overnight periods will be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside a pipe, then that section of pipe will not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.</p> | |
| | | <p>d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction site.</p> | |
| | | <p>e. No firearms will be allowed on the site.</p> | |
| | | <p>f. To prevent harassment or mortality of San Joaquin kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the site.</p> | |
| | | <p>g. The use of rodenticides and herbicides in the project area will be minimized to meet Fresno County's pest control objectives within an actively farmed landscape. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, and additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide or other compound approved by U.S. Fish and Wildlife Service shall be used to lower risk to kit fox.</p> | |

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h. The applicant will appoint a representative who will be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin kit fox or who finds a dead, injured, or entrapped individual. This representative will be identified during the employee education program. The representative's name and telephone number will be provided to the USFWS.

i. Prior to starting project-related activities, an employee education program shall be conducted for all persons working on the project site. The employee education program shall include training on all biological resources that may be found at the project site and the surrounding area, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, and a contact person in the event that protected biological resources are discovered at the project site. The employee education program shall also include a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The employee education program shall also include the following in regard to San Joaquin Kit fox: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the ESA; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information shall be prepared for distribution to employees and anyone else who may enter the site.

j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., will be recontoured, if necessary, and revegetated to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to revegetate such areas will be determined on a site-specific basis in consultation with the US Fish & Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) and revegetation experts.

k. In the case of trapped animals, escape ramps or structures will be installed immediately to allow the animal(s) to escape, or the US Fish & Wildlife Service (USFWS) will be

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| | | | <p>contacted for advice.</p> <p>l. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox will immediately report the incident to their representative. This representative will contact the CDFG immediately in the case of a dead, injured, or entrapped San Joaquin kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.</p> <p>m. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6630. The CDFG contact is Mr. Craig Bailey at 1234 E. Shaw Avenue, Fresno, California 93710, at (559) 243-4014.</p> <p>n. Habitat permeability for San Joaquin kit fox will be maintained by installing only permeable fences. To enable kit foxes and other wildlife to pass through the project site after construction, the perimeter fences shall be raised five (5) to seven (7) inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. Electrified fences shall be prohibited. Slatted fencing shall be prohibited so that there is no appearance of a visual barrier to San Joaquin Kit fox, to possibly eliminate the need for a State Incidental Take Permit for project-related incidental take of San Joaquin Kit fox, and to reduce impacts to less than significant levels.</p> <p>o. Preconstruction surveys shall be conducted by a biologist qualified to conduct kit fox surveys no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities to locate and identify potential dens, known dens and natal dens, on the project site, and minimize and avoid impacts to such dens in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" and avoid take. The project site shall be</p> | |
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| | | <p>resurveyed in the event ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey. If San Joaquin Kit Fox dens are identified, exclusion zones shall be established in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011". If take of San Joaquin kit fox is unavoidable, the acquisition of a State Incidental Take Permit would be warranted, and permits from the U.S. Fish and Wildlife Service may also be needed.</p> <p>p. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location where the kit fox was observed should also be provided to the service at: Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620 or (916) 414-6600</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *15. | Biological Resources | <p>If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified biologist shall conduct surveys of the project site to determine the location of bird nests. If project activities are delayed or suspended for more than 30 days during the breeding season the area shall be resurveyed. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half mile around nests of listed species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds, and 150 feet around other bird species. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *16. | Biological Resources | <p>Vertical tubes such as solar mounts and chain-link fencing poles can result in the entrapment and death of a variety of bird species. All hollow solar mount poles and fence poles shall be capped at the time they are installed to prevent the entrapment and death of birds.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *17. | Biological Resources | <p>Permeable areas of the project site shall be planted with a non-invasive native seed mixture to provide cover for species</p> | Applicant | Applicant/CDFG/ USFWS | As noted |

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

| 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 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 work performed within the right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division. |
| 5. | A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Nees Avenue. |
| 6. | 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) 445-3350 for more information. |
| 7. | Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure. |
| 8. | 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) 445-3271 for more information. |
| 9. | 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 Department of Public Health, Environmental Health Division. Any new well drilled shall meet industrial well construction standards. Contact the Water Surveillance Program at (559) 445-3350 for more information. |
| 10. | Prior to occupancy, the Applicant shall complete and submit a Hazardous Materials Business Plan form to the Fresno County Department of Public Health, Environmental Health Division and shall handle all hazardous waste, in accordance with requirements set |

Notes

| | |
|-----|--|
| | <p>forth in the California Health and Safety Code, Chapter 6.5.</p> |
| 11. | <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.</p> |
| 12. | <p>Project development should include a plan to control weeds and rodents within the project area to prevent the site from becoming a nuisance to neighboring properties or surrounding agricultural operations. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the property owner/operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.</p> |
| 13. | <p>The Applicant shall adhere to the San Joaquin Air Pollution District Rule 9510 (Indirect Source Review); District Regulation VIII -- Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials; Rule 4601 (Architectural coatings); Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations) and in compliance of Rule 9510, shall pay applicable Off-Site Mitigation Fees to the San Joaquin Valley Air Pollution District prior to issuance of the first Building Permit for the project by the County Building Permit and Safety Section.</p> |

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 July 26, 2012

SUBJECT: Initial Study Application No. 6426
Unclassified Conditional Use Permit Application No. 3334

Allow a photovoltaic solar power generation facility with related improvements, including a substation with an 80-foot tall electrical utility pole, a 30-foot tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven-and-a-quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist.: 1) (APNos: 005-060-17S, 18S).

Applicant: Gestamp Asetym Solar
Owner: Michael and Irene Matson Trustees

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Senior Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6426; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3334 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. Floor Plans/Elevations/Details
7. Applicant’s Submitted Operational Statement
8. Information in Response to Solar Facilities Guidelines
9. Summary of Initial Study Application No. 6426
10. Public Correspondence

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

| Criteria | Existing | Proposed |
|--------------------------|---|---|
| General Plan Designation | Agriculture | No change |
| Zoning | AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) | No change |
| Parcel Size | 196.99 acres | No change |
| Project Site | Farmland | A photovoltaic (PV) solar power generation facility with supportive appurtenance structures on an approximately 162-acre portion of a 196.99 acre |

| Criteria | Existing | Proposed |
|-------------------------|--|---|
| | | parcel |
| Structural Improvements | None | 100,800 ground-mounted PV panels; one 1,200 square-foot operations and maintenance (O&M) building; an 80-foot tall electrical utility pole; a 30-foot tall electrical utility pole; 20 approximately 160 square-foot inverter/transformer buildings; a six-foot tall chain-link perimeter fence topped with barbed wire |
| Nearest Residence | One-quarter mile to the south | No change |
| Surrounding Development | Third Lift Canal adjacent to the northern property line of the project site; Second Lift Canal, approximately one mile to the north; Delta-Mendota Canal, approximately one-and-a-third miles to the north; San Luis Canal approximately six miles to the southwest; State Route 33 (Dos Palos Avenue) approximately five miles to the northeast; Interstate Highway 5 approximately seven-and-a-half miles to the southwest; Eagle Field Airport approximately three miles to the northwest | No change |
| Operational Features | N/A | See above "Project Site". |
| Employees | N/A | Six dedicated to operation and maintenance of the facility (three each on approximately 12-hour shifts). |

| Criteria | Existing | Proposed |
|--------------------|----------|--|
| Customers | N/A | None |
| Traffic Trips | N/A | 92 one-way trips per day (46 round trips per day) during the twelve months of construction. 12 one-way trips per day (six round trips per day) year-round for security, panel washing and maintenance of the facility. |
| Lighting | N/A | Emergency lighting for security purposes. |
| Hours of Operation | N/A | 24 hours per day, 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 of Negative Declaration publication date: June 13, 2012

PUBLIC NOTICE:

Notices were sent to six property owners within 300 feet of the subject property, satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance. An additional two notices were sent to interested parties requesting notification of this project.

PROCEDURAL CONSIDERATIONS:

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

BACKGROUND INFORMATION:

The proposed solar-generating facility will consist of approximately 100,800 PV modules with a capacity of generating 20 megawatts alternating current (MW-AC) to be located on an approximately 196.99-acre site. PV modules will convert sunlight into electrical energy, which

will be delivered to Pacific Gas and Electric's (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 either fixed-tilt or on single-axis tracker racking systems. The systems and PV module arrays will have an overall height of 15 feet.

Support facilities to be constructed include a substation (approximately two acres in size), an approximately 1,200 square foot operations and maintenance (O&M) building, an 80-foot tall electrical utility pole, a 30-foot tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, and six-foot tall chain-link perimeter fencing topped with barbed wire. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

Property Line Adjustment (PLA) No. 11-24 was approved on April 26, 2012, allowing the separation of 82.68 acres from the southern half of parcel identified as APN 005-060-17S. As such, the 82.68 acres separated from APN 005-060-17S is not included in the subject proposal.

***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 | Front (south property line): 40 feet Side (east property line): 171 feet Side (west property line): 139 feet Rear (north property line): 150 feet | Yes |
| Parking | N/A | 14 standard parking spaces; one parking space for the disabled | Yes |
| Lot Coverage | No requirement | No requirement | N/A |
| Separation Between Buildings | Six-foot minimum | N/A | N/A |
| Wall Requirements | No requirement | No requirement | N/A |
| Septic Replacement Area | 100 percent | None required | N/A |
| Water Well | Septic tank: 50 | None required | N/A |

| | Current Standard: | Proposed Operation: | Is Standard Met (y/n) |
|------------|---|----------------------------|------------------------------|
| Separation | feet; Disposal field: 100 feet; Seepage pit: 150 feet | | |

Reviewing Agency/Department Comments regarding Site Adequacy:

Zoning Section of the Development Services Division: The proposed improvements meet the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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 exceed the minimum building setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed development will set back a minimum of 40 feet from the southern property line (35 feet required), 150 feet from the northern property line (20 feet required), 171 feet from the eastern property line (20 feet required), and 139 feet from the western property line (20 feet required).

Based on the above information, staff believes the site is adequate in size and shape to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Conditions of Approval:

None

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 | Yes | N/A | Proposed access easement: unpaved 30 feet wide |
| Public Road Frontage | No | Nearest public road is Nees Avenue, located approximately one-quarter mile to the south | No change |
| Direct Access to Public Road | No | See above | No change |

| | | Existing Conditions | Proposed Operation |
|-------------------------------------|----|---------------------|---|
| Road ADT | | N/A | N/A |
| Road Classification | | N/A | N/A |
| Road Width | | N/A | N/A |
| Road Surface | | N/A | N/A |
| Traffic Trips | | N/A | 92 one-way trips per day (46 round trips per day) during the twelve months of construction. 12 one-way trips per day (six round trips per day) year-round for security, panel washing and maintenance of the facility. |
| Traffic Impact Study (TIS) Prepared | No | N/A | Not required by County Design Division. |
| Road Improvements Required | | N/A | None required. |

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

Design Division: No concerns with the proposal, as post-construction vehicular traffic associated with the project is below the threshold of 100 daily trips, or ten peak-hour trips, which would require preparation of a TIS. Peak-hour trips are defined as 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

Road Maintenance and Operations Division: No concerns with the proposal.

Development Engineering Section of the Development Services Division: An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way, and a ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Nees Avenue. These requirements have been included as project Notes.

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;

however, this increase will be temporary. According to the Applicant's Operational Statement, the construction of the project is expected to last approximately nine to twelve months. Construction traffic will consist of equipment and daily trips by workers to and from the site. Construction trips were estimated at a maximum of 92 one-way trips per day (46 round trips per day) during the construction of the project. Operational staff will conduct panel washing and general maintenance, and are estimated to generate 12 one-way trips per day (six round trips per day) year-round. Further, no concerns regarding the project's impact on County roadways were expressed by either the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning.

Based on the above information, and with adherence to the project Note regarding corner cutoffs for driveways, staff believes that Nees Avenue, which will provide access to the project site via a proposed 30-foot wide access easement, will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

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 | 656.26 acres | Farmland | AE-20 | None |
| South | 82.68 acres (formerly part of APN 005- 060-17S) | Single Family Residence; Farmland | AE-20 | One quarter mile |
| East | 268.84 acres 157.88 acres | Farmland | AE-20 | None |
| West | 160.00 acres 158.18 acres | Farmland | AE-20 | None |

Reviewing Agency/Department Comments:

California Department of Fish and Game (CDFG): Mitigation Measures are necessary to avoid potentially significant impacts to Swainson's Hawk, San Joaquin Kit Fox, and Burrowing Owl.

Fresno County Department of Agriculture: The Agricultural Commissioner's Office acknowledges that the Applicant has provided a Pest Management Plan and Site Reclamation Plan, and that the Applicant has acknowledged the County's Right-to-Farm Ordinance.

Fresno County Fire Protection District: All resultant development shall comply with the 2007 California Code of Regulations Title 24, and that subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval. This requirement has been included as a project Note.

Development Engineering Section of the Development Services Division: According to FEMA FIRM Panels 1400H and 1405H, the parcel is not subject to flooding from the 100-year storm. Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must 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 resultant of this proposal. These requirements have been included as project Notes.

Fresno County Department of Public Health, Environmental Health Division: Prior to occupancy, the Applicant shall submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. All hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5. The Applicant shall obtain a Permit to Construct Water Well from the Fresno County Department of Public Health, Environmental Health Division, for any well to be drilled on the property. Should any underground storage tank(s) be found during the project, the Applicant shall obtain an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. 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 Fresno County Department of Public Health, Environmental Health Division. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column shall be sampled for lubricating oil, and any such oil found shall be removed from the well prior to placement of fill material for destruction, and be handled in accordance with federal, state and local government requirements. In this case, where an on-site office is 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. These requirements have been included as project Notes.

San Joaquin Valley Air Pollution Control District (Air District): This proposal is subject to District Rule 9510 (Indirect Source Review) and may also be subject to the following District rules: Regulation VIII – Fugitive Dust Rules, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). These requirements have been included as project Notes.

Water/Geology/Natural Resources Section of the Development Services Division: No water related concerns in regard to the proposal, as the subject parcel is not located in a water short area, and the amount of water estimated for use with this proposal is below the threshold which would require groundwater analysis.

Analysis:

The proposed facility will produce an estimated 20 megawatts (MW) of electricity and will consist of 100,800 PV panels, a 90,000 square-foot substation, a 1,200 square-foot O&M building, an 80-foot tall electrical utility pole, a 30-foot tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, and six-foot tall chain-link perimeter fencing topped with barbed wire. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

The subject parcel is located in an agricultural area marked by relatively large parcel sizes and few residential land uses. The Third Lift Canal is adjacently located along the northern property line of the project site, the Second Lift Canal is located approximately one mile north of the project site, the Delta-Mendota Canal is located approximately one-and-a-third miles to the north, and the San Luis Canal is located approximately six miles to the southwest. State Route 33 (Dos Palos Avenue) is located approximately five miles northeast of the project site, Interstate Highway 5 is located approximately seven-and-a-half miles to the southwest, and the Eagle Field Airport is located approximately three miles to the northwest. The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

The proposed solar generation facility will have low visibility from the surrounding area. Apart from the proposed 80-foot tall and 30-foot tall electrical utility poles, there will be a 15-foot tall O&M building and the entire project site will be occupied with 15-foot tall PV module arrays and inverter buildings, and will be fenced off with six-foot tall chain-link fencing topped with barbed wire. Considering the location of the project site in a relatively undeveloped agricultural area comprised of large parcels sizes and low population density, the project will not damage any scenic resource or degrade the visual character of the site or its surroundings.

Based on the above information and with adherence to the recommended Conditions of Approval, Mitigation Measures and project Notes identified in the IS prepared for this project and discussed in this Staff Report, staff believes the proposal 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.*

| Relevant Policies: | Consistency/Considerations: |
|---|--|
| <p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to following Criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less</p> | <p>With regard to Criteria "a", the proposed use will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large, undeveloped land in the subject area. With regard to Criteria "b", loss of farmland resulting from this project would be less than significant, considering that the proposal will be conditionally limited to 35 years. Further, upon cessation of the</p> |

| Relevant Policies: | Consistency/Considerations: |
|---|--|
| <p>productive lands available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼-mile radius; d) Probable workforce located nearby or readily available.</p> | <p>proposed use at the end of the project's 35-year life, the site will be restored to a pre-development condition for farming operations. With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity, as the subject parcel is not located in a water short area, and the amount of water to be utilized for washing solar panels is below the threshold which would require groundwater analysis. Further, with adherence to the recommended Conditions of Approval, Mitigation Measures and project Notes identified in the IS prepared for this project and discussed under Finding 3 of this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity. With regard to Criteria "d", the project site is located approximately seven and a quarter miles southwest of the nearest city limits of the City of Firebaugh, which has the ability to provide an adequate workforce. Therefore, the proposed use is conditionally compatible with the Agriculture General Plan designation.</p> |
| <p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> | <p>The proposed facility is temporary in nature. A Reclamation Plan will be implemented to restore the site to agricultural uses once the facility operation ceases. Also, as noted in the Solar Facility Guidelines (Exhibit 8), during the life of the project, Weed and Rodent Control Plans will be implemented to reduce weed and rodent impacts to adjacent farmland.</p> <p>A six-foot tall chain-link fence will be installed around the entire 196.99-acre project site to protect both the on-site facility and surrounding farmland. Further, the proposed improvements will have setbacks much greater than those required by the Zone District. The proposal is consistent with these Policies.</p> |
| <p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply</p> | <p>This proposal was reviewed by the Water/Geology/Natural Resources Section of the Development Services Division, which</p> |

| Relevant Policies: | Consistency/Considerations: |
|--|---|
| adequacy, impact on other water users in the County, and water sustainability. | expressed no concerns with the project as it relates to water quantity, as the subject parcel is not located in a water short area, and the amount of water to be utilized for washing solar panels is below the threshold which would require groundwater analysis. The proposal is consistent with this Policy. |

Reviewing Agency Comments:

Policy Planning Section of the Development Services Division: The property is designated Agriculture in the General Plan. According to General Policy LU-A.3, non-agricultural uses such as electrical power generation facilities, may be allowed by means of a discretionary use permit. Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses, and Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations. The subject property is currently enrolled under Agricultural Land Conservation Contract Nos. 2043 and 2047.

The proposed PV solar power generation facility is not a compatible use on property subject to a Williamson Act Contract, unless a cancellation of the Contract has occurred. An application for partial cancellation of Contract Nos. 2043 and 2047 for the project site was filed by the Applicant in September 2011, and is in process. The Agricultural Land Conservation Committee heard the request for cancellation during their February 1, 2012 meeting and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the subject proposal will be contingent upon approval of the partial cancellation of Contract Nos. 2043 and 2047 by the Board of Supervisors, which would occur after final action on the subject land use application.

Analysis:

As discussed above, this proposal is consistent with the General Plan Policies applicable to the project. The proposed development will: 1) be chain-link fenced to provide a buffer between the subject solar facility and adjoining farmland; 2) protect adjoining farmland through implementation of a Weed and Rodent Control Plan; 3) not impact groundwater resources in the area, as the amount of water estimated for use with this proposal is below the threshold which would require groundwater analysis; and 4) result only in a temporary conversion of productive agricultural land, and the land will be restored to the prior farming state upon cessation of the use.

The 196.99-acre project site is classified as Farmland of Statewide Importance on the 2008 Fresno County Important Farmland Map. The site has been predominately cultivated for cotton, with some cultivation of melons, onions, tomatoes and wheat over the last ten years. On May 3, 2011, the Fresno County Board of Supervisors took action to require supplemental application information, based on the Nine-Point Solar Facilities Guidelines be provided by solar utility applicants as part of their project submittal packages. The Guidelines were amended by the Board on March 13, 2012 to require crop yield information and clarified life of the approved land use permit.

Required supplemental application information includes historical information on the agricultural use of the property, including crop yield information, the source of water, current status of the parcel, including any Agricultural Land Conservation Contracts, the soil type, information on improvements and site buffering, the submittal of a Reclamation Plan, pest management information, and acknowledgement of the County's Right-to-Farm Ordinance. The Applicant has provided this information (Exhibit 8) which has been reviewed with no concerns expressed by the County Agricultural Commissioner's Office.

According to the Applicant's Reclamation Plan, at the termination of solar facility operations, all project structures and above-ground equipment, along with associated site infrastructure including roads, fences, concrete pads and transformers will be removed from the site. Grading of the site will be conducted as necessary to return the site to pre-development condition. As part of the Reclamation Plan, an engineering cost estimate of reclaiming the site to its previous agricultural 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 the Reclamation Plan will require financial assurances for the cost of reclaiming the land to its previous agricultural condition.

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

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

Staff received a request for project information from Adams Broadwell Joseph & Cardozo, Attorneys at Law, in accordance with the Public Records Act. Staff also received two letters from Defenders of Wildlife requesting changes to the Biological Mitigation Measures prepared for the project. Copies of these letters have been attached as Exhibit 10.

CONCLUSION:

Staff believes the required Findings for granting the Unclassified 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 CUP Application No. 3334 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. 6426; and

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3334, subject to the Mitigation Measures, Conditions and Notes listed in Exhibit 1 of the Planning Commission Staff Report; 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. 3334; 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.

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Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 6426 / Unclassified Conditional Use Permit (CUP) No. 3334
(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 or roadways. | 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 permits, 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 to an agricultural use 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 PW&P and approved by the Fresno County Agricultural Commissioner's Office (ACO). 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/ACO | Ongoing; until the project lasts |
| *4. | Agricultural and Forestry Resources | The project operator shall utilize pest control professionals to keep the project site free of rodents at all times. | Applicant | Applicant/PW&P/ACO | Ongoing; until the project lasts |
| *5. | Agricultural and Forestry Resources | The project operator shall at all times keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard. | Applicant | Applicant/PW&P/ACO | Ongoing; until the project lasts |

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|------|----------------------|---|-----------|---|------------------------------------|
| *6. | Air Quality | For each project phase, all records shall be maintained on-site during construction and for a period of ten years following either the end of construction or the issuance of the first Certificate of Occupancy, whichever is later. Records shall be made available for District Inspection upon request. | Applicant | Applicant/PW&P/ San Joaquin Valley Air Pollution Control District (SJVAPCD) | Until the construction lasts |
| *7. | Air Quality | For each project phase, maintain records of: (1) the construction start and end dates; and (2) the date of issuance of the first Certificate of Occupancy, if applicable. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *8. | Air Quality | For each project phase, maintain records of total hours of operation for all construction equipment greater than 50 horsepower operated on-site. Within 30 days of completing construction of each project phase, submit to the District a summary report of total hours of operation, by equipment type and horsepower. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *9. | Biological Resources | 1. The Applicant shall have a qualified Ornithologist survey the site during Hawk nesting season (March 1 – September 15) prior to project construction in accordance with the "Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys" dated 2000. | Applicant | Applicant/California Department of Fish and Game (CDFG) | As noted |
| *10. | Biological Resources | 2. The applicant shall avoid construction activities within 0.5 mile of active Swainson's hawk nests. If nesting Swainson hawks are detected within 0.5 mile of the project site, all construction activities within 0.5 mile of the nest shall be delayed and the California Department of Fish and Game (DFG) shall be contacted immediately to determine how to implement the project and avoid Take. If take cannot be avoided, acquisition of an Incidental Take Permit will be required to avoid a violation of California Endangered Species Act (CESA). | Applicant | Applicant/CDFG | As noted |
| *11. | Biological Resources | 3. If active Swainson's hawk nests are located within 10 miles of the project site, foraging habitat mitigation is required. The Applicant shall mitigate for the loss of foraging habitat as described in the DFG's 1994 Staff Report Regarding Mitigation for Impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California. Mitigation shall be subject to DFG approval. | Applicant | Applicant/CDFG | As noted |
| *12. | Biological Resources | 4. As a documented Swainson's hawk nest is located within 10 miles of the project site, avoidance, minimization and mitigation measures described in the DFG's 1994 Staff Report | Applicant | Applicant/CDFG | As noted |

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| | | <p>Regarding Mitigation for Impacts to Swainson's hawks (<i>Buteo swainsoni</i>) in the Central Valley of California shall be implemented as a means to reduce impacts to less than significant levels.</p> | Applicant | Applicant/CDFG/ United States Fish and Wildlife Service (USFWS) | As noted |
| *13. | Biological Resources | <p>5. Burrowing Owl (<i>Athene cucularia</i>, BUOW) is a Species of Special Concern that has been documented in the vicinity of the project site. BUOW are known to forage in agricultural crops and fallow land and have the potential to den on or adjacent to the project site. If small mammal burrows or dens are present on or adjacent to the project site, the applicant shall follow the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation dated March 7, 2012 (CDFG 2012) in regard to methodology, avoidance buffers and mitigation measures.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *14. | Biological Resources | <p>No more than 30 days before starting project-related activities, the applicant shall implement the year 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (Standardized Recommendations), found at http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/Documents/kitfox_standard_rec2011.pdf and are as follows:</p> <p>a. Project-related vehicles will observe a 20-mile-per-hour speed limit in all project areas, except on county roads and state and federal highways; this is particularly important at night, when San Joaquin kit foxes are most active. To the greatest extent practicable, nighttime construction shall be minimized and nighttime speed limit shall be 10-miles-per-hour. Off-road traffic outside of designated project areas will be prohibited.</p> <p>b. To prevent inadvertent entrapment of San Joaquin kit foxes during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day by plywood or similar materials or provided with 1 or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured San Joaquin kit fox is discovered, the procedures under Biological Mitigation numbers 5(h), 5(k), 5(l), and 5(m) shall be followed.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |

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| | | | | |
| | | | <p>c. San Joaquin Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for 1 or more overnight periods will be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside a pipe, then that section of pipe will not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.</p> <p>d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction site.</p> <p>e. No firearms will be allowed on the site.</p> <p>f. To prevent harassment or mortality of San Joaquin kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the site.</p> <p>g. The use of rodenticides and herbicides in the project area will be minimized to meet Fresno County's pest control objectives within an actively farmed landscape. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, and additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide or other compound approved by U.S. Fish and Wildlife Service shall be used to lower risk to kit fox.</p> <p>h. The applicant will appoint a representative who will be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin kit fox or who finds a dead, injured, or entrapped individual. This representative will be identified during the employee education program. The representative's name and telephone number will be provided to the USFWS.</p> <p>i. Prior to starting project-related activities, an employee</p> | |
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| | | | <p>education program shall be conducted for all persons working on the project site. The employee education program shall include training on all biological resources that may be found at the project site and the surrounding area, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, and a contact person in the event that protected biological resources are discovered at the project site. The employee education program shall also include a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The employee education program shall also include the following in regard to San Joaquin Kit fox: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the ESA; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information shall be prepared for distribution to employees and anyone else who may enter the site.</p> <p>j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., will be recontoured, if necessary, and revegetated to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to revegetate such areas will be determined on a site-specific basis in consultation with the US Fish & Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) and revegetation experts.</p> <p>k. In the case of trapped animals, escape ramps or structures will be installed immediately to allow the animal(s) to escape, or the US Fish & Wildlife Service (USFWS) will be contacted for advice.</p> <p>l. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox will immediately report the incident to their representative. This representative will contact the CDFG immediately in the case of a dead, injured, or entrapped San Joaquin kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or</p> |
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biologist.

m. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6630. The CDFG contact is Mir. Craig Bailey at 1234 E. Shaw Avenue, Fresno, California 93710, at (559) 243-4014.

n. Habitat permeability for San Joaquin kit fox will be maintained by installing only permeable fences. To enable kit foxes and other wildlife to pass through the project site after construction, the perimeter fences shall be raised five (5) to seven (7) inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. Electrified fences shall be prohibited. Slatted fencing shall be prohibited so that there is no appearance of a visual barrier to San Joaquin Kit fox, to possibly eliminate the need for a State Incidental Take Permit for project-related incidental take of San Joaquin Kit fox, and to reduce impacts to less than significant levels.

o. Within 30-days of construction, a pre-construction survey (concurrently with Burrowing owl survey) shall be conducted by a qualified biologist to locate and identify potential dens, known dens and natal dens, on the project site, and minimize and avoid impacts to such dens in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" and avoid take. The project site shall be resurveyed in the event ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey. If San Joaquin Kit Fox dens are identified, exclusion zones shall be established in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011". If take of San Joaquin kit fox is unavoidable, the acquisition of a State Incidental Take Permit would be warranted, and permits from the U.S. Fish and Wildlife Service may also be needed.

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| | | <p>p. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location where the kit fox was observed should also be provided to the service at: Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620 or (916) 414-6600</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *15. | Biological Resources | <p>If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified biologist shall conduct surveys of the project site to determine the location of bird nests. If project activities are delayed or suspended for more than 30 days during the breeding season the area shall be resurveyed. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half mile around nests of listed species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds, and 150 feet around other bird species. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *16. | Biological Resources | <p>Vertical tubes such as solar mounts and chain-link fencing poles can result in the entrapment and death of a variety of bird species. All hollow solar mount poles and fence poles shall be capped at the time they are installed to prevent the entrapment and death of birds.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *17. | Biological Resources | <p>Permeable areas of the project site shall be planted with a non-invasive native seed mixture to provide cover for species traversing or otherwise using the project site. Vegetation shall be managed to reduce fire risk, in accordance with Fresno County Fire Protection District requirements, in order to avoid fuel build-up on-site. Live traps for pest rodent control shall be sized to prevent inadvertent trapping of San Joaquin kit fox.</p> | Applicant | Applicant/CDFG/ USFWS | As noted |
| *18. | Biological Resources | <p>For the protection of special status species, construction shall be limited to daylight hours only, and artificial nighttime lighting on the project site shall be shielded and directed downward since artificial nighttime lighting can alter foraging, migration and breeding behaviors of special status species</p> | Applicant | Applicant/CDFG/ USFWS | As noted |

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| *19. | Cultural Resources | and increase their potential susceptibility to predation. 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 |
| Conditions of Approval | | | | | |
| 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 35-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. The SPR shall be applicable to those portions of the project site(s) to be improved with sub-stations, inverters, perimeter access road, parking, and driveway access, excluding the solar panel fields. Items to be addressed under the SPR may include, but are not limited to; design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting. | | | |
| 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. | | The project shall adhere to the setbacks shown on the Site Plan (150 feet along the northernmost property line, 171 feet along the easternmost property line, 139 feet along the westernmost property line, and 40 feet along the southernmost property line). | | | |
| 6. | | 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

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

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| | 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 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 work performed within the right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division. |
| 5. | A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Nees Avenue. |
| 6. | 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) 445-3350 for more information. |
| 7. | Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure. |
| 8. | 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) 445-3271 for more information. |
| 9. | 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 Department of Public Health, Environmental Health Division. Any new well drilled shall meet industrial well construction standards. Contact the Water Surveillance Program at (559) 445-3350 for more information. |
| 10. | Prior to occupancy, the Applicant shall complete and submit a Hazardous Materials Business Plan form to the Fresno County Department of Public Health, Environmental Health Division and shall handle all hazardous waste, in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. |
| 11. | 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. |

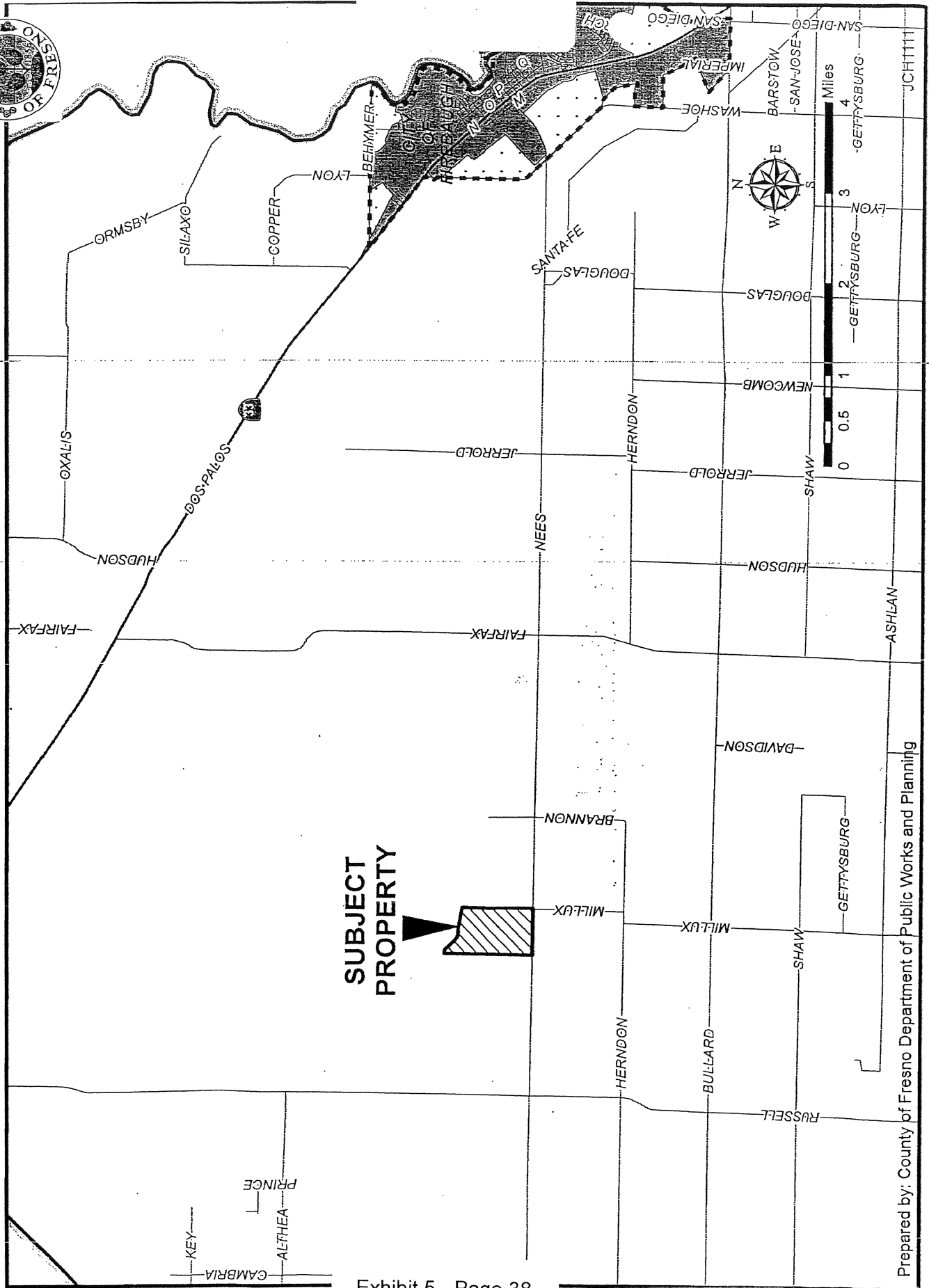
| Notes | |
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| 12. | Project development should include a plan to control weeds and rodents within the project area to prevent the site from becoming a nuisance to neighboring properties or surrounding agricultural operations. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the property owner/operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372. |
| 13. | The Applicant shall adhere to the San Joaquin Air Pollution District Rule 9510 (Indirect Source Review); District Regulation VIII – Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials; Rule 4601 (Architectural coatings); Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt; Paving and Maintenance Operations) and in compliance of Rule 9510, shall pay applicable Off-Site Mitigation Fees to the San Joaquin Valley Air Pollution District prior to issuance of the first Building Permit for the project by the County Building Permit and Safety Section. |

DC:
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LOCATION MAP

CUP 3334



**SUBJECT
PROPERTY**

KEY
 CAMBRIA
 ALTHEA
 PRINCE

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

EXISTING ZONING MAP



DOSPALOS

KEY

AE20

AE20

AE20

AE20

ALTHEA

AC

AE20

AE20

**SUBJECT
PROPERTY**

CAMBRIA

RUSSELL

AE20

AE20

AE20

AE20

AE20

NEES

MILFUX

BRANNON

FAIRFAX

JERROLD

HERNDON

HERNDON

AE20

AE20

AE20

AE20

AE20

AE20

BULLARD

HUDSON

JERROLD

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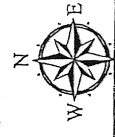
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AE20

SHAW

SHAW

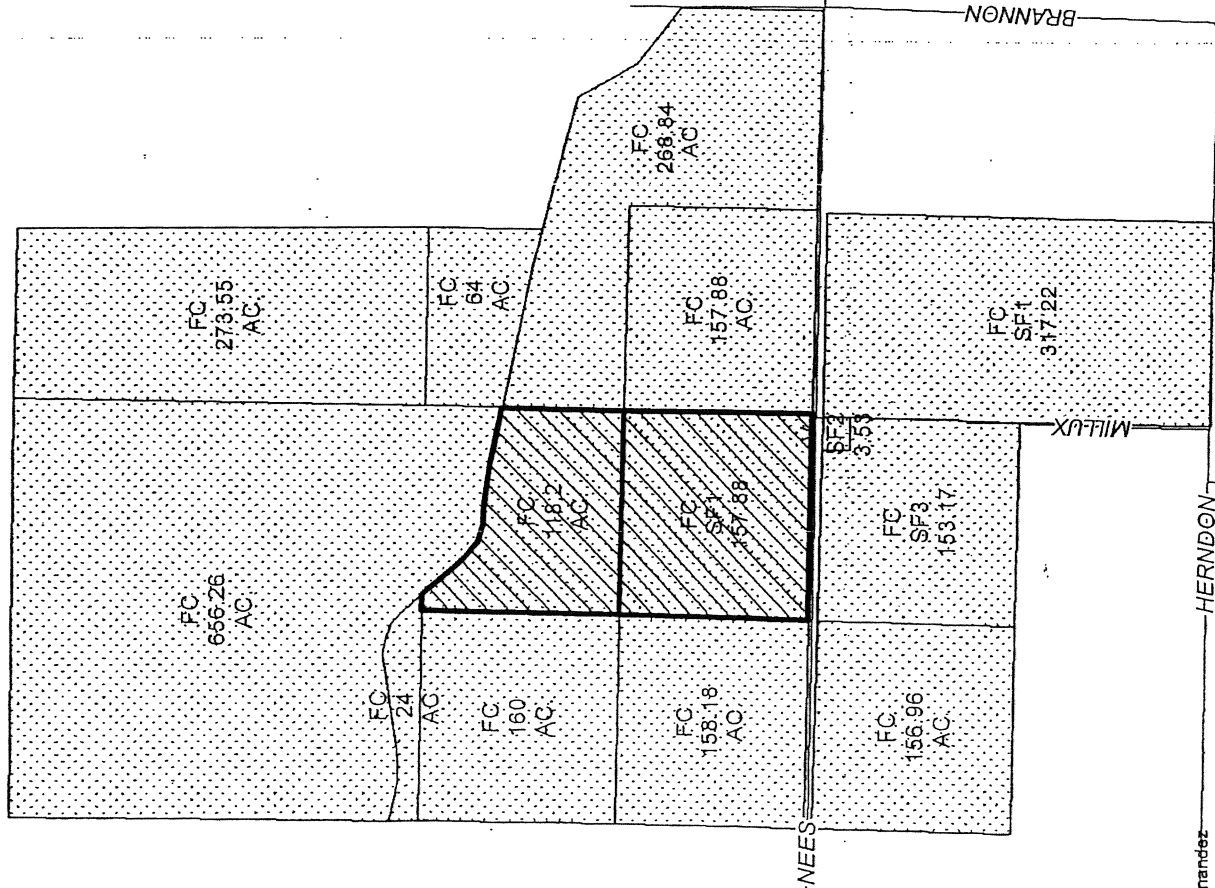


JCH111



EXISTING LAND USE MAP

CUP 3334

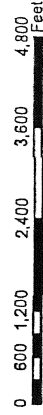
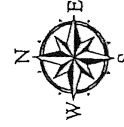


| LEGEND | |
|--------|----------------------|
| SF# | SINGLE FAMILY RESIDE |
| FC | FIELD CROP |
| V | VACANT |

LEGEND:

Subject Property

Ag Contract Land



Department of Public Works and Planning
Development Services Division

PHOTOVOLTAIC SOLAR POWER PLANT

FOR

ORO LOMA IV - SINGLE AXIS TRACKER

APN: 005-060-18S & 005-060-17S
FRESNO COUNTY, CALIFORNIA

BASIS OF BEARING:

THE WEST LINE OF SECTION 16, T12N, R12E, S4E, AS SHOWN ON THE RECORD OF SURVEY MAP RECORDED IN BOOK 53 OF RECORD OF SURVEYS AT PAGE 15, FRESNO COUNTY RECORDS.

SURVEY NOTES:

1. THIS PLAN SET IS BASED ON SURVEY DATA PROVIDED BY IBA CIVIL ENGINEERING AND LAND SURVEYING AND DATED JUNE 21, 2010.

DEVELOPER:

GESTAMP SOLAR NORTH AMERICA
MAIN OFFICE:
50 CALIFORNIA STREET, SUITE 820
SAN FRANCISCO, CA 94111
PHONE: (415) 230-5605

DEVELOPMENT OFFICE:
1401 FULTON STREET, SUITE 800
FRESNO, CA 93721
PHONE: (559) 430-8431

ENGINEERING OFFICE:
1000 J. LANE, SUITE 100
FRESNO, CA 93721
PHONE: (775) 562-4105

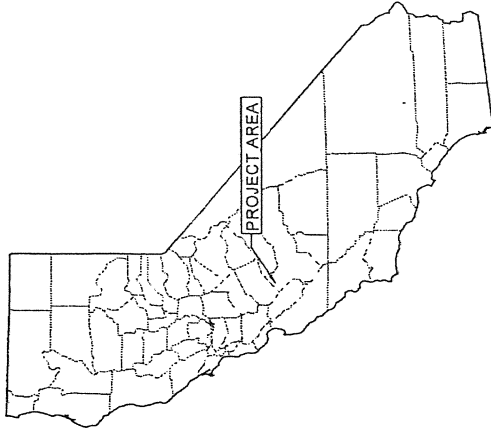
FLOODPLAIN INFORMATION:

NO PORTION OF THE SITE IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON THE FLOODPLAIN MAP COMMUNITY PANEL NO. 090101400H AND 090101400H DATED 02/18/2009 FOR FRESNO COUNTY AND INCORPORATED AREAS.

NOTE TO CONTRACTOR:

BY THE ACT OF SUBMITTING A BID FOR THIS PROPOSED CONTRACT, THE BIDDER WARRANTS THAT THE BIDDER, AND ALL SUBCONTRACTORS AND MATERIAL SUPPLIERS HE INTENDS TO USE HAVE CAREFULLY AND THOROUGHLY REVIEWED THE DRAWINGS, SPECIFICATIONS AND ALL OTHER CONTRACT DOCUMENTS AND ARE SUFFICIENT FOR THE PURPOSE INTENDED. THE BIDDER AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AUTHORITY FROM THE LOCAL, STATE AND FEDERAL AGENCIES AND AUTHORITIES. THE BIDDER AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AUTHORITY FROM THE LOCAL, STATE AND FEDERAL AGENCIES AND AUTHORITIES. ALL MATERIALS AND PRODUCTS SPECIFIED OR INDICATED HEREIN ARE ACCEPTABLE FOR ALL CODES AND AUTHORITIES.

| SHEET NUMBER | SHEET TITLE |
|--------------|--|
| E1.0 | COVER SHEET |
| E1.1 | APN I LUGS MAPS |
| E2.0 | GENERAL LAYOUT |
| E3.0 | 1,150 MW _{DC} PLANT SINGLE LINE DIAGRAM |
| E3.1 | PLANT & SUBSTATION SINGLE LINE DIAGRAM |



AERIAL MAP
SCALE: 1" = 400'



Know what's below.
Call before you dig.

THE LOCATION OF EXISTING UNDERGROUND AND OVERHEAD UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND AND OVERHEAD UTILITIES.

675 W. Meade Ln., Ste. 100
Fresno, CA 93721
Tel: (775) 562-4105

COVER SHEET

ORO LOMA IV - PROPOSED SOLAR PLANT
APN: 005-060

E1.0

Gestamp Solar
 875 W. Main St. Ste. 100
 Newark, NJ 07102
 Tel: (773) 562-4104
 Fax: (773) 562-4105

APN: 005-060-185 & 00
 PROPOSED PHOTON
 SOLAR POWER PL

APN & USGS MAPS

| APN | ACRES | OWNER | STATUS |
|-------------|-------|-------|--------|
| 005-060-185 | 12.11 | ... | ... |
| 005-060-175 | 12.11 | ... | ... |

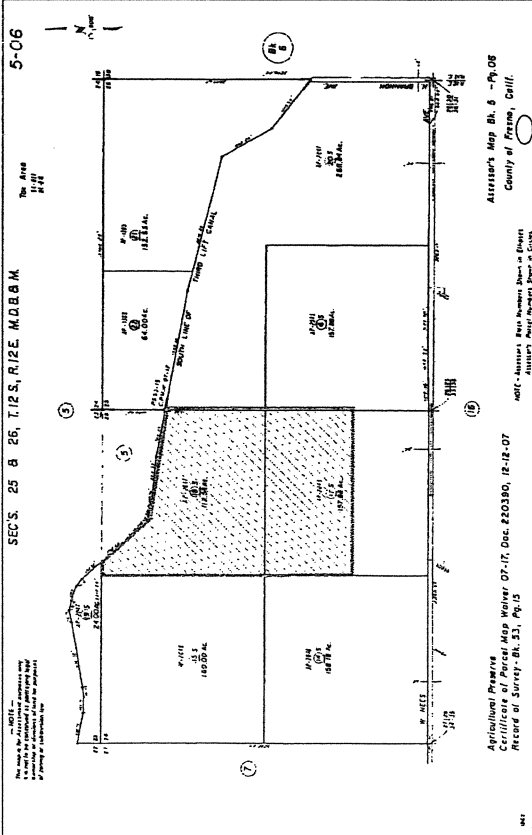
E1.1



USGS MAP

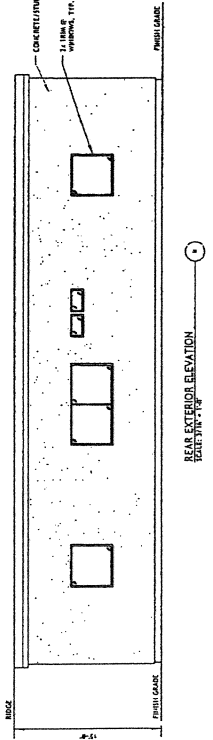
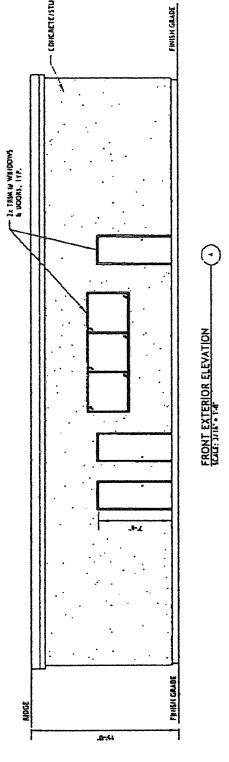
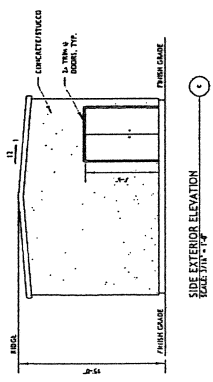
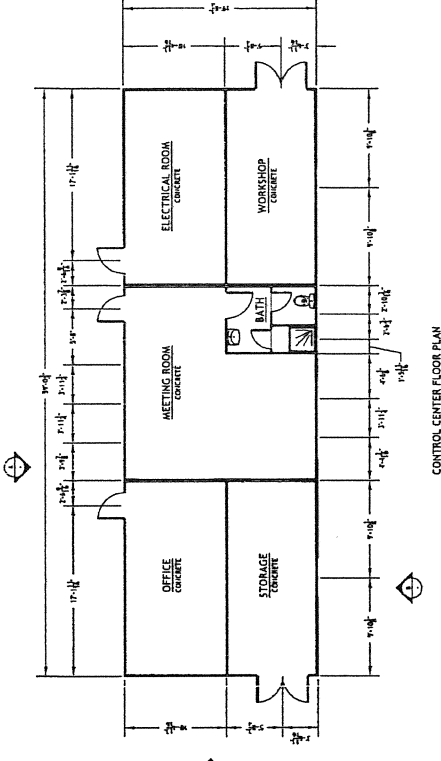
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APN: 005-060-175:
 THE N1/2 OF THE SE1/4 &
 A PORTION OF THE S1/2 OF THE SE1/4 OF SEC. 26, T12S, R12E, M.D.B. & M.



ASSESSOR PARCEL MAP

APN: 005-060-185 & 005-060-175

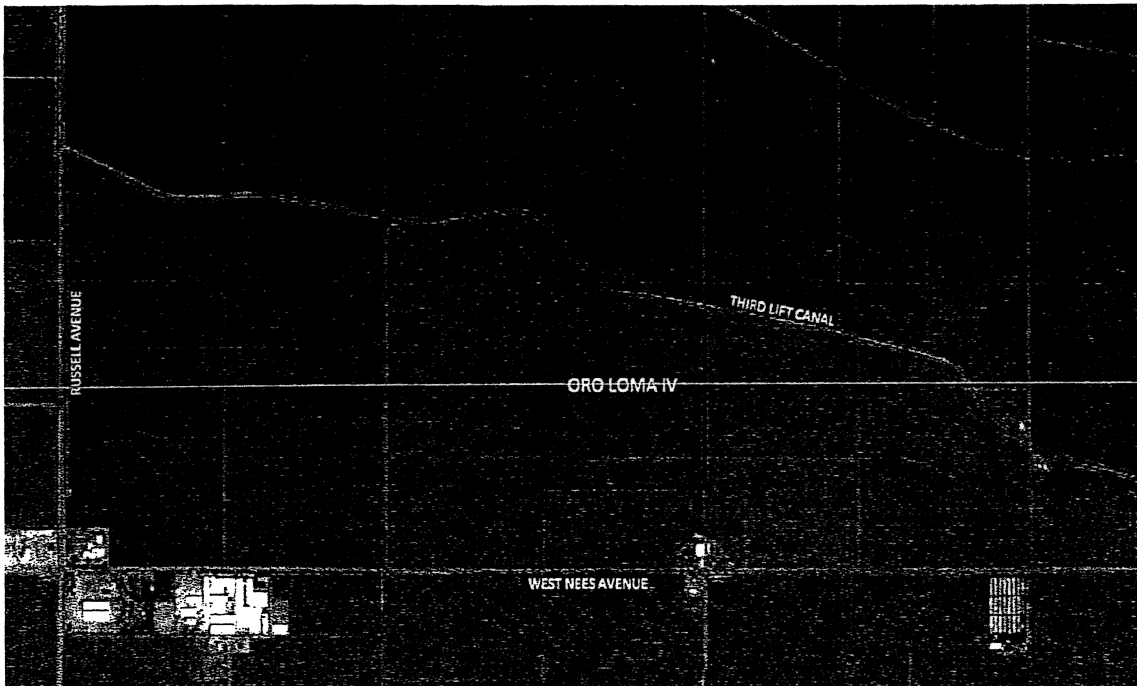




Gestamp
Solar

Oro Loma IV

Operational Statement



Gestamp Asetym Solar North America, Inc.
Francisco Sánchez, Project Manager
1401 Fulton Street, Suite 900
Fresno, Ca 93721
559.430.4775

September 2, 2011

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

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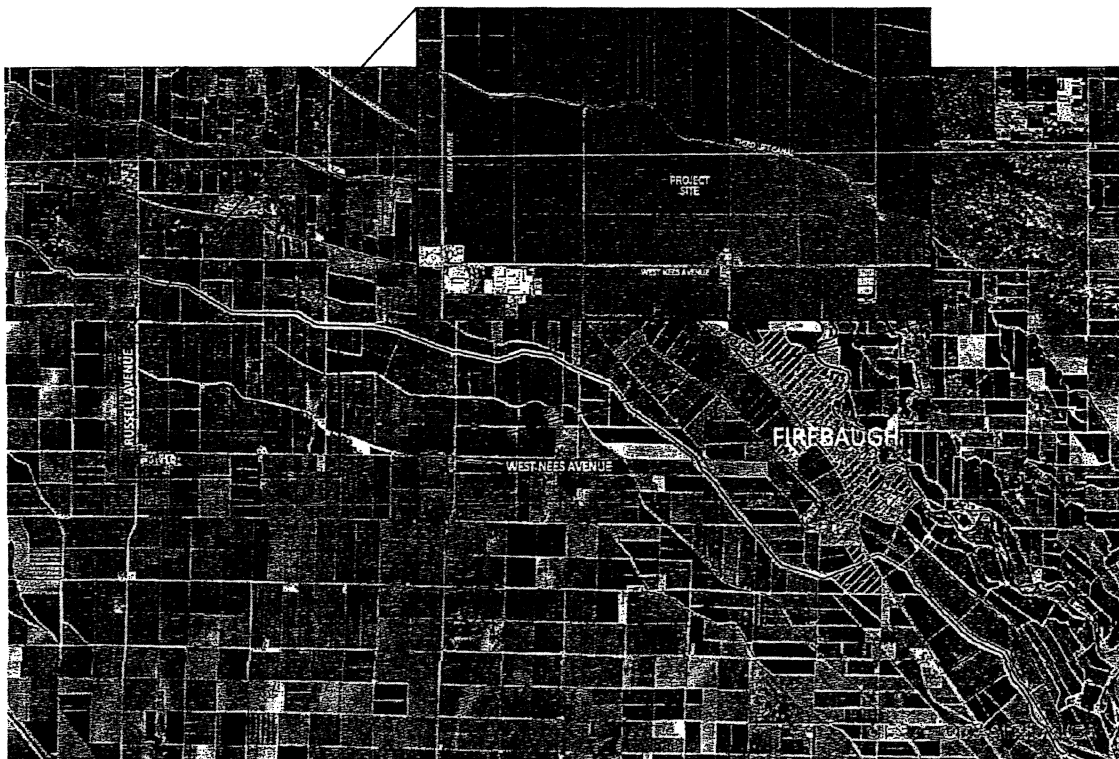
Project Information

Project Name: Oro Loma IV

General Location: The project will be located approximately 9.5 miles directly west of the City of Firebaugh in western Fresno County. It is one-half mile north of West Nees Avenue, one mile east of Russell Avenue, and is bounded to the North by the Third Lift Canal. The project site will comprise approximately 191 acres of land owned by the Matson 2009 Trust. It is surrounded on all sides by agricultural land.

Assessor's Parcel Numbers: 005-060-17S (portion) and 005-060-18S

Location Map:



Location Map Indicating Project Site in Relation to City of Firebaugh

Vicinity Map:



Vicinity Map showing proximity to Existing PG&E Infrastructure and Proposed Location of Interconnection

Description of Proposed Project

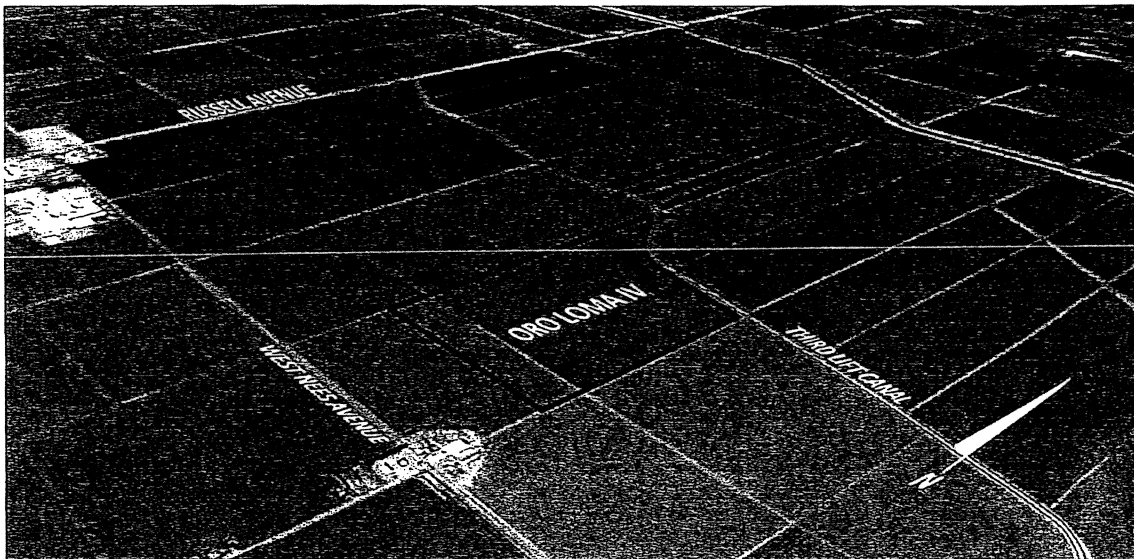
GASNA 13P, LLC and Gestamp Asetym Solar North America, Inc., hereinafter known as the "Applicant," are seeking approval of a conditional use permit (CUP) from the County of Fresno to authorize the development of the Oro Loma IV Solar Project. The Project is intended to operate for a term of 34 years, 11 months. The Applicant proposes to construct, own, operate, and fund Oro Loma IV.

Oro Loma IV has an interconnection request with the California Independent System Operator (CAISO) to provide 20 megawatts (MW) alternating current (AC) connecting to the 115 kilovolt (kV) Panoche-Oro Loma line that trends generally southeast from the existing PG&E Oro Loma Substation located approximately two and one-half miles to the Northwest (see figure above). The Panoche-Oro Loma line touches the project site at its northeast corner.

The interconnection request, upon being accepted, will be assigned a CAISO Generation Interconnection Queue Position. The Applicant anticipates that the project will produce power by Q3 2013.

The applicant has considered the following in its selection of the Oro Loma IV site for detailed evaluation:

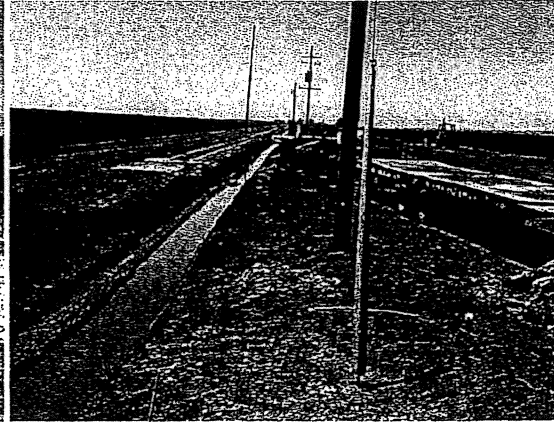
- Availability of Land – Approximately 191 acres;
- Zoning – AE-20, Exclusive Agriculture, 20-Acre Minimum;
- Existing Land Use – The Project will be located on land historically used for agriculture, which currently supports cotton;
- Minimal environmental consequences – As a result of its historical agricultural use, the site has been regularly disturbed for many decades;
- Water availability – There are pumps located throughout the property, and the site is adjacent to the Third Lift Canal. There is also water allocation available through the Panoche Water District;
- Proximity to the Panoche-Oro Loma 115kV transmission line;
- Long-Term Land Lease – An initial 25-year lease commencing with entitlements, and a 9-year, 11-month extension, for a total of 34 years, 11 Months.



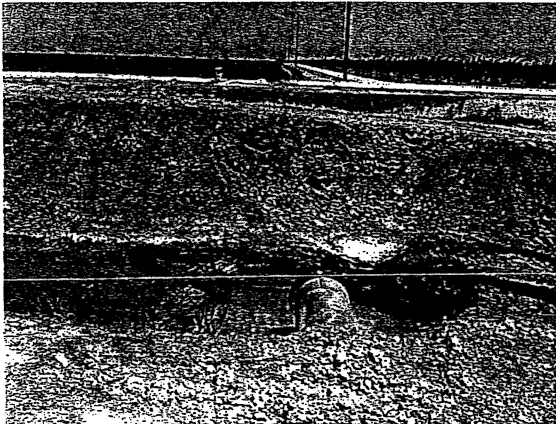
Aerial View from the Southeast



Northeast Corner, Looking Southwest



Northeast Corner, Looking South



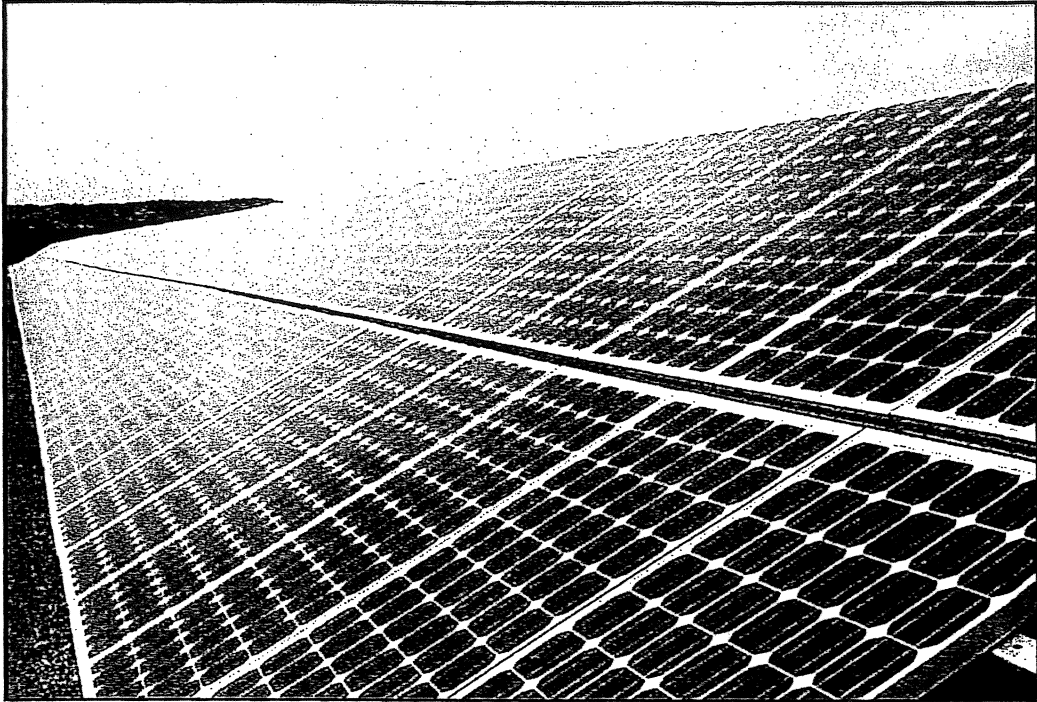
Northeast Corner, Showing Canal Outfall Structure



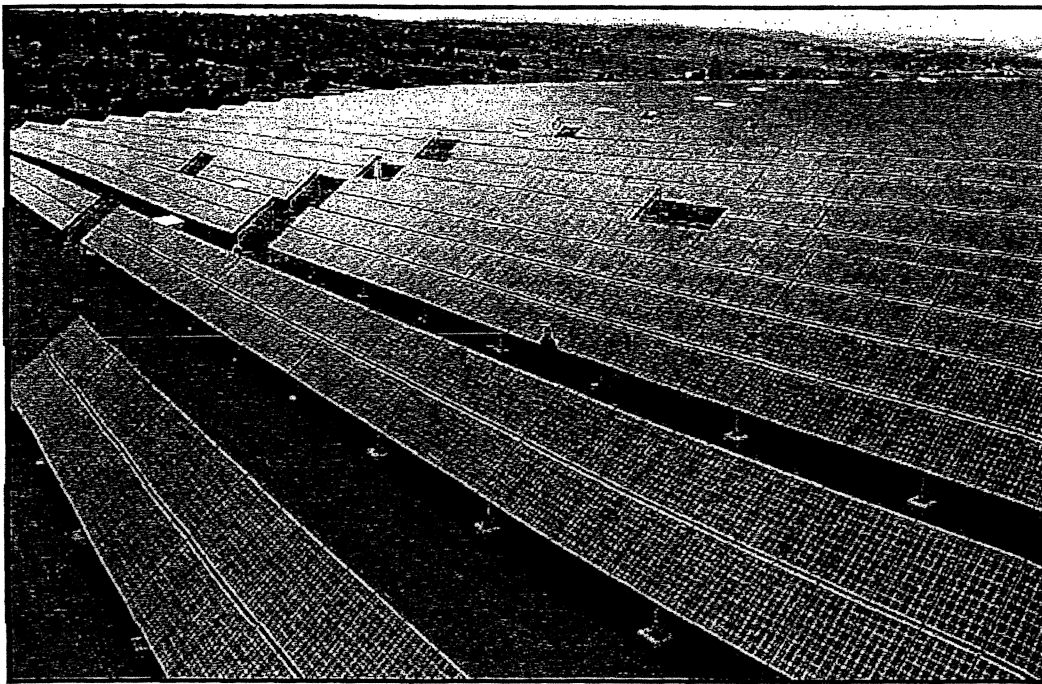
Northwest Corner, Looking South

Up to six (6) full-time employees will operate the solar facility split between day and night shifts. Typically, up to three (3) employees will be onsite during the day shift (from sunrise to sunset), and the remainder during night shifts and weekends. Oro Loma IV will export and sell the generated electricity via the CAISO grid. After the useful life of the project (up to 34 Years, 11 Months), the panels are easily disassembled from the steel mounting frames and the site will then be restored to predevelopment condition. The solar facility will generate up to 20 MW AC of electricity during daylight hours.

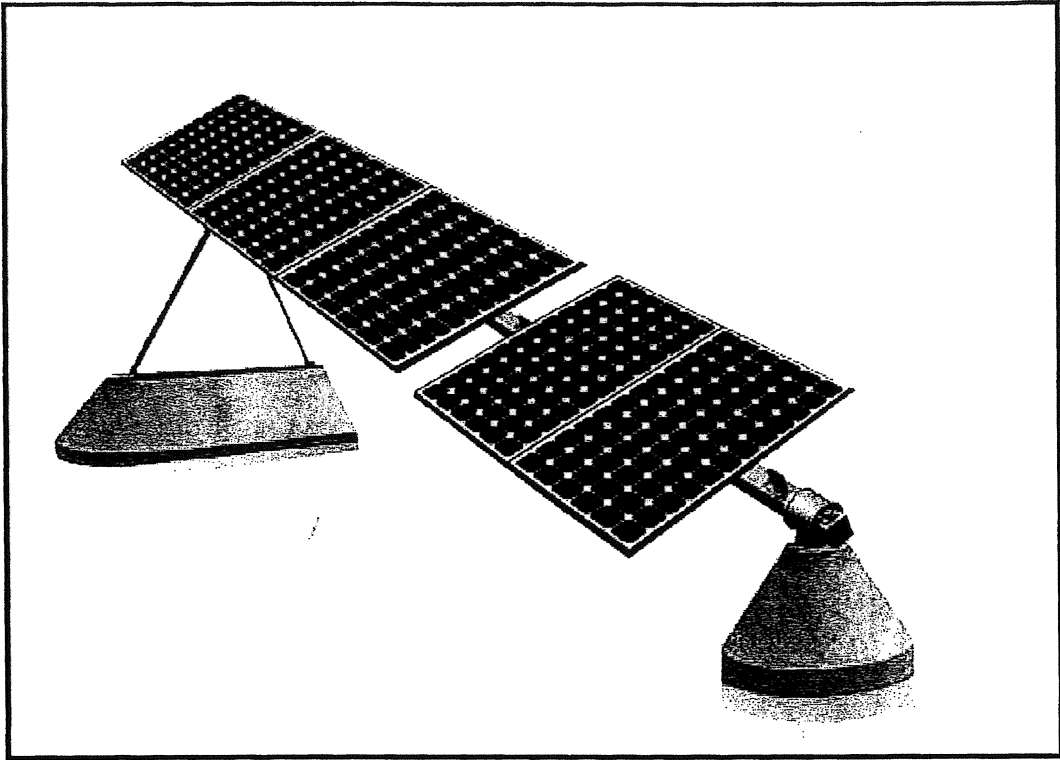
Oro Loma IV will utilize non-reflective photovoltaic (PV) panels (or modules) to convert sunlight directly into electricity. Individual panels will be installed on either fixed-tilt or tracker mounting systems, which may stand up to fifteen (15) feet in height while tilted up to approximately 55 degrees from horizontal to the South. The solar array field will be arranged in groups called "blocks." Each block will include inverters and a pad-mounted transformer near the center. The Project will require the installation of up to 100,800 PV panels with a direct current (DC) nameplate capacity of up to 23 MW (20 MW AC). The initial energy production would be up to approximately 44,673 megawatt-hours (MWh) per year, sufficient to power more than 3,497 homes. The clean production of energy would displace more than 28,050 tons of carbon dioxide (CO₂) emissions per year



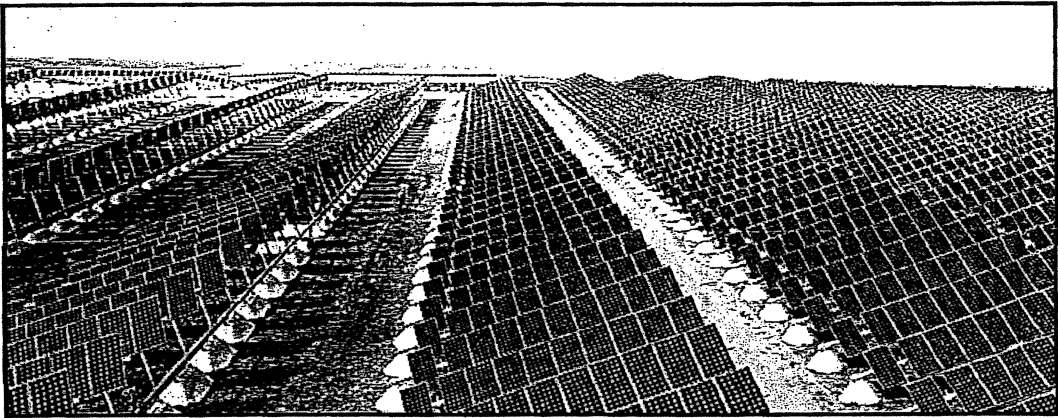
Fixed-Tilt Solar Panels



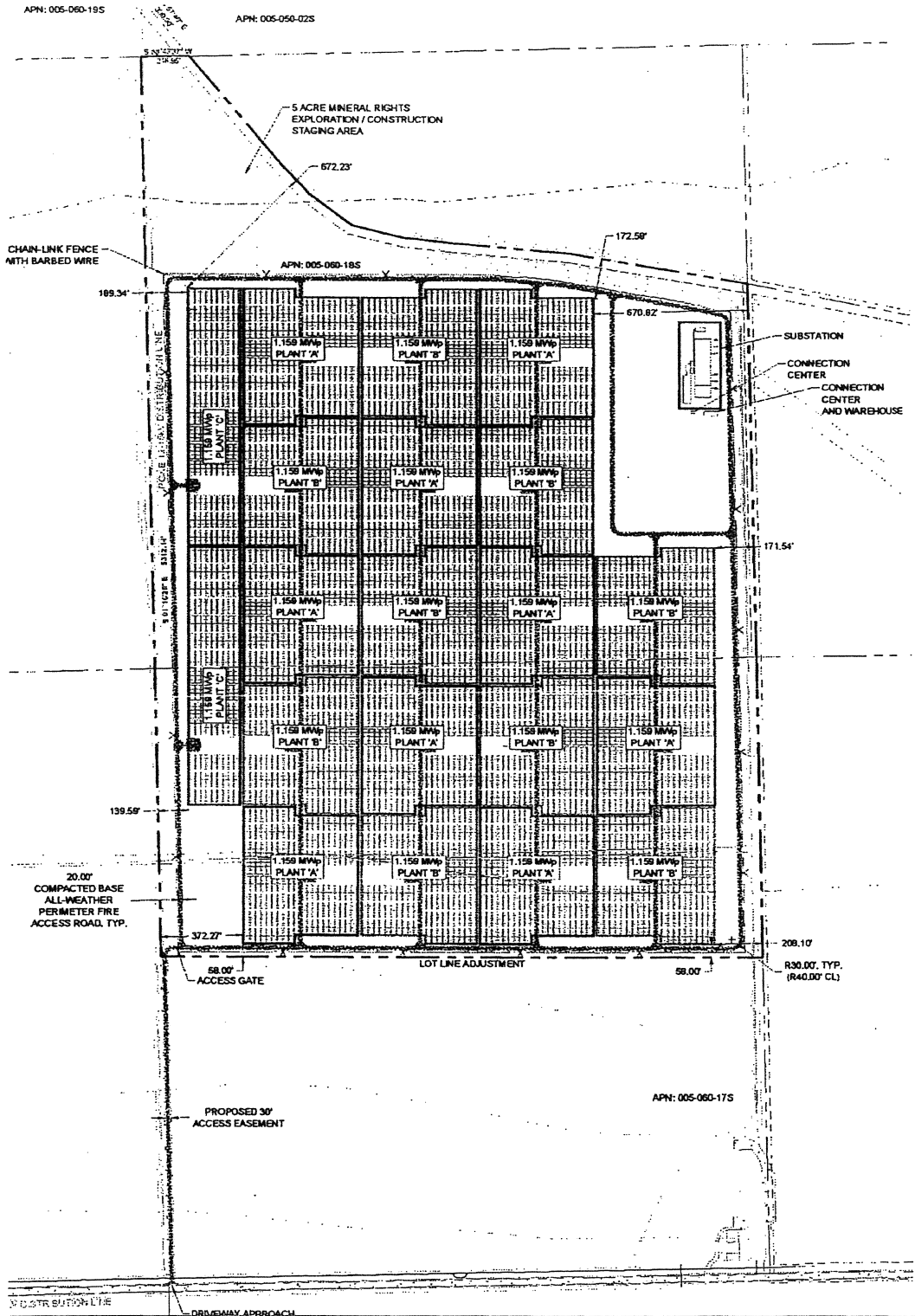
Typical Fixed-Tilt Solar Panel Rows



Typical Single-Axis Tracking Solar Panels



Typical Single-Axis Tracking Solar Panel Rows



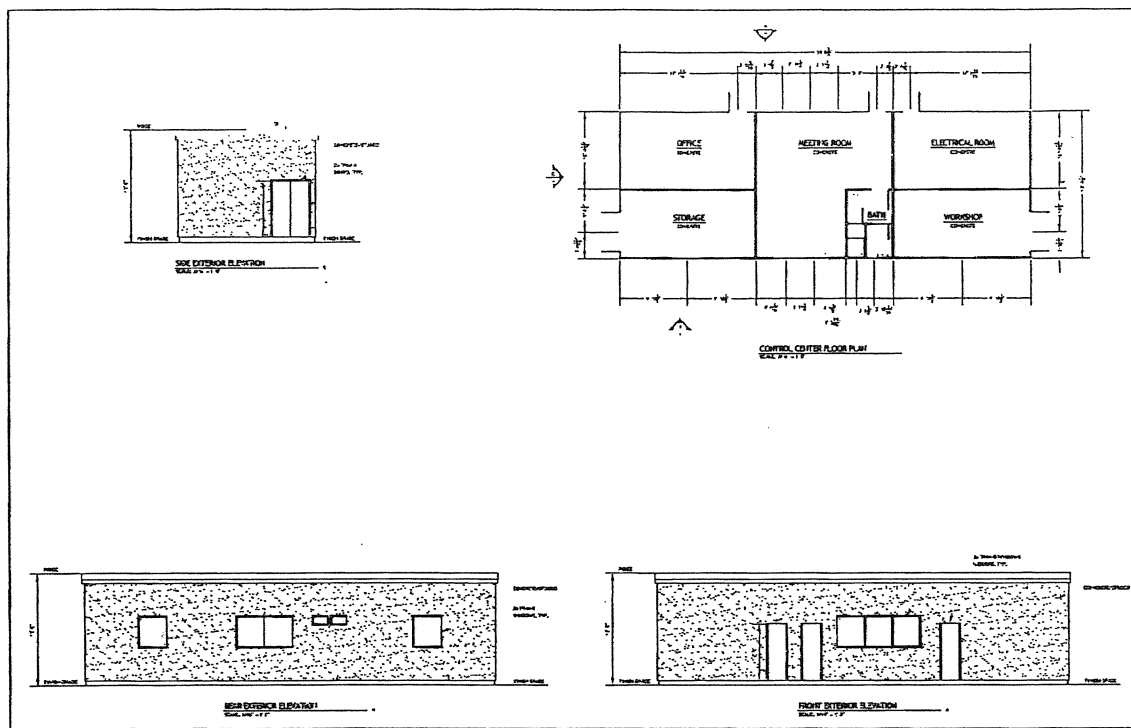
Oro Loma IV Site Plan

The Applicant proposes to situate the solar array on approximately 191 acres (net) of agricultural lands along the south side of the Third Lift Canal, north of West Nees Avenue and east of Russell Avenue. All perimeter ditches servicing Panoche Water District will remain in place. Any necessary irrigation canals and drains will also remain in place, including maintenance access roads.

The solar power plant operations and maintenance (O&M) building will occupy a 40-foot by 80-foot area near the northeast corner of the project site. The O&M building itself will be steel-framed, with metal siding and roof panels, and will be painted to match the surrounding setting. A moveable storage container may also be kept onsite for the storage of spare parts. A water system and small water treatment plant will be placed at the O&M building to provide onsite de-ionized water, along with a septic tank and leach field for wastewater disposal. The Applicant may alternately utilize portable restroom facilities in compliance with County of Fresno Public Health Department regulations. On average, panel washing requires approximately one quart of water for each panel per wash. Panels would typically be washed three times per year, although this may vary based upon rainfall and any activities on adjacent parcels. Three methods of water delivery for panel-washing are being considered:

1. Use of the onsite well.
2. Use of surface water allocation by Panoche Water District (see below).
3. Trucking of water to the site, if no water allocation is available.

It is estimated that water demand for panel washing and domestic use will considerably less than one (1) acre-foot per year (AFY). If required, above-ground steel tanks on the site will store between 20,000 and 40,000 gallons of water. 10,000 gallons of water will be dedicated exclusively for fire suppression. Panoche Water District has a contract with the US Bureau of Reclamation totaling 94,000 AFY. The Oro Loma IV site would be eligible to receive approximately 472 AFY based on acreage. Given the minimal quantity of water needed for site operation, the property owner would be able to utilize the remaining water for other purposes.



Operations and Maintenance Building Area

Access to Oro Loma IV will be provided via a 30-foot access corridor extending from North Russell Ave. to North Brannon Ave. following the South Boundary of the Third lift canal. The access corridor will consist of a 30-foot-wide, compacted-base, all-weather surface. The road, the drive approach, and the employee/visitor parking area will be constructed to Fresno County standards and in compliance with the Americans with Disabilities Act (ADA) and San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements. The site will be enclosed by a six-foot-high chain-link fence topped with two feet of barbed wire.

The solar array areas will have low-lying grass and/or a soil stabilizer to control dust and storm water erosion. A metal sign will be mounted at the entrance gate to identify the Project. Any vegetation will be maintained to comply with local fire code.

Technical Studies

Hazardous Materials (Phase I Environmental Site Assessment)

A Phase I Environmental Site Assessment (ESA) was prepared for the Oro Loma IV site by Precision Civil Engineering, Inc. in June 2010. The ESA did not identify any recognized environmental conditions (RECs) of particular concern, although it did note the following:

- Historical agricultural use of the site may have introduced environmentally persistent pesticides;
- Staining of the ground, presumed to be *de minimus*, around 55-gallon drums associated with irrigation wells;

The ESA did not recommend any action for these conditions.

Geotechnical and Geohazards (Preliminary Geotechnical Investigation Report)

A Geotechnical Investigation Report (GIR) was prepared for the Oro Loma IV site by BSK Associates in July 2010. The report did not identify any circumstances that would preclude construction of the project. It did note the corrosive nature of the soil and the potential for expansion, and provided recommendations to accommodate these situations during construction and operation.

Biological

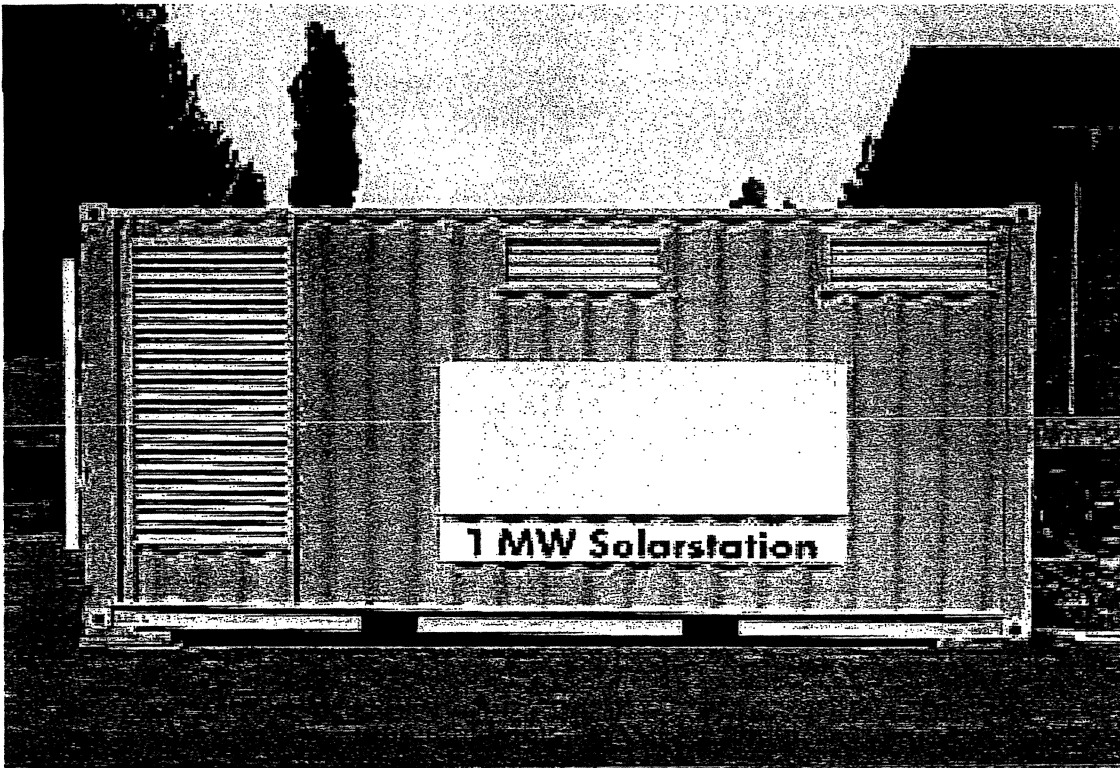
A biological assessment is being prepared by project consultants, and will be delivered to Fresno County upon its completion.

Transportation Assessment

Due to the low number of anticipated vehicles trips, a traffic impact study (TIS) was not prepared for Oro Loma IV. Based on previous experience, the Applicant anticipates that the project will result in minimal traffic. The construction period is expected to last approximately 9 to 12 months, including approximately 325 days of total construction activities. During days of construction activity, it is anticipated that approximately 12 construction equipment delivery trips and 80 construction worker trips will be generated, daily. Project operations would generate approximately 12 daily trips by regular employees, and up to 50 total special maintenance trips per year. Depending upon the method of panel washing ultimately decided upon, there may be as many as 80 additional trips per year for this purpose.

Description of the Oro Loma IV Array

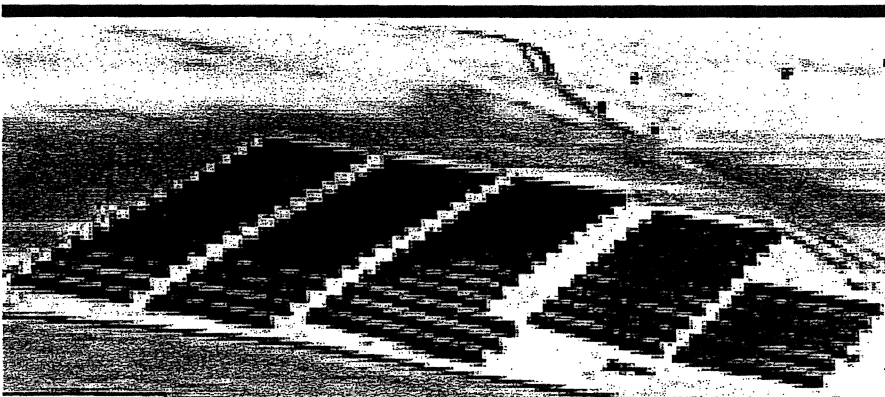
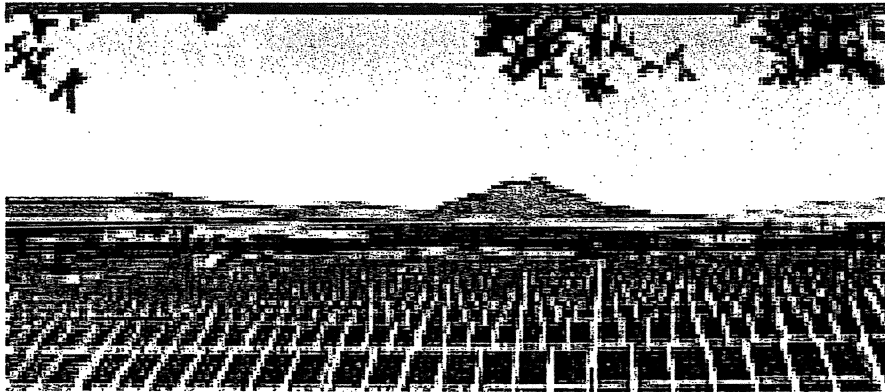
Oro Loma IV will arrange approximately 100,800 PV panels (depending upon the power rating of the panels procured) on mounting frameworks (galvanized steel or aluminum) in continuous rows of up to approximately 500 feet in length. The arrays are grouped to create grids of approximately 500 feet by 500 feet (typ.), with inverter modules and a transformer near the center of each grid. The grids produce approximately 1.1 MW to 1.4 MW direct electrical current (DC), which is converted to alternating electrical current (AC) at the inverter module. Each grid's inverter modules and transformer will be housed within a roughly 160-square-foot container or similar structure.



Typical Inverter Container

The approximate 20 to 40 kV output from the transformer will be transferred to an onsite substation by buried electrical conduits and electrical conductor wires. The substation will occupy an area of up to approximately 300 feet by 300 feet near the northeast corner of APN 005-060-18S.

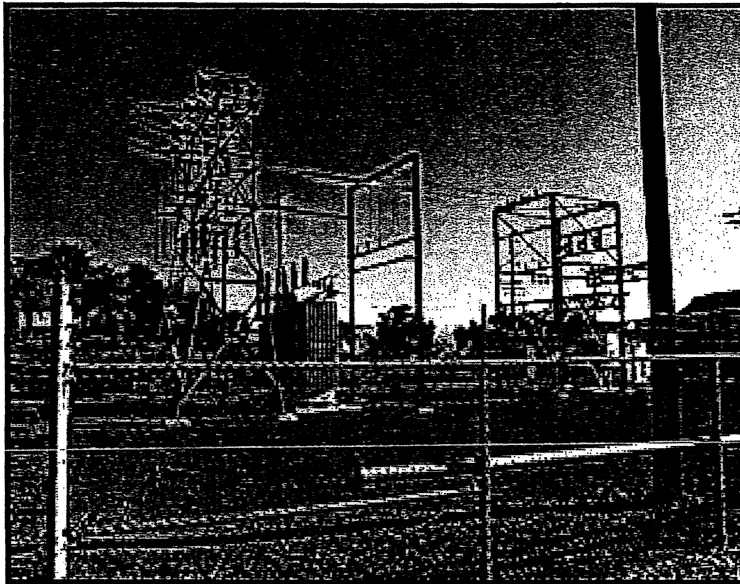
The PV panel rows will be 20-foot-wide all weather gravel road spaced such that emergency or fire personnel will be able to access each row of panels. Each road will be located at every 500 feet to provide fire/emergency vehicle access within the facility and to allow access to the DC to AC electrical inverter modules. A 20-foot-wide all-weather gravel road will also exist between the perimeter fence and the solar panels with additional space in the corners for turning radii for a fire truck.



Solar PV Power Plant Examples from Greece and Spain

Onsite Substation

The onsite substation will be the interconnection station between the proposed solar PV facility and the existing Panoche-Oro Loma 115kV transmission line. The onsite substation will be located near the northeast corner of APN 005-060-18S as indicated on the site plan. The onsite substation will occupy an area of up to approximately 300 feet by 300 feet and utilize a 20- to 30-foot-high dead-end tower to allow connection of overhead electric conductor wires to the existing Panoche-Oro Loma 115kV transmission line, which touches the northeastern corner of the project site. The onsite substation area will be secured separately by an additional six-foot-high chain-link fence topped with two feet of barbed wire.



Typical Substation Infrastructure

Annual Production & In-Service Date

The Oro Loma IV facility will provide maximum electrical output during daylight hours. Peak electricity demand in California corresponds with air conditioning use on summer afternoons when ambient temperatures are high. Oro Loma IV peak generating capacity corresponds to this time period when the peak solar energy, solar insolation value, is highest. There is no generating capacity between sunset and sunrise due to the lack of solar energy.

The proposed Oro Loma IV will have a average power output of 20 MW (AC) with an initial energy production of up to 45,089 MWh per year. Construction of the project will be phased in blocks as interconnection becomes available with full capacity scheduled to be available in Q3 2013 (In-Service Date). The In-Service Date assumes that permitting, financing, power purchase agreement (PPA) negotiations and CAISO interconnection and transmission availability are in accordance with the project schedule.

Surrounding Properties

The Oro Loma IV project abuts agricultural lands to the North, South, East, and West. The Panoche-Oro Loma Transmission Line intersects the northeastern corner of the project site. The project is located approximately 9.5 miles west of the city of Firebaugh.

Adjacent Owners/APNs List

| Number | APN | Owner | Owner's Address |
|--------|-------------|-------------------------------|--|
| 1 | 005-050-02S | Aric & Stacey Barcellos Trust | 17656 Ward Road, Los Banos, CA 93635 |
| 2 | 005-060-19S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 3 | 005-060-15S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 4 | 005-060-14S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 5 | 005-060-18S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 6 | 005-060-17S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 7 | 005-060-16S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 8 | 005-060-20S | Matson 2009 Trust | 10182 N. Spanish Bay Drive, Fresno, CA 93720 |
| 9 | 005-060-22S | Timothy R. & Laurie H. Hall | 44474 W. Nees Avenue, Firebaugh CA 93622 |

Note: Oro Loma IV occupies a portion of APN 005-060-17S, identified as Parcel 6 in the table above and exhibit below

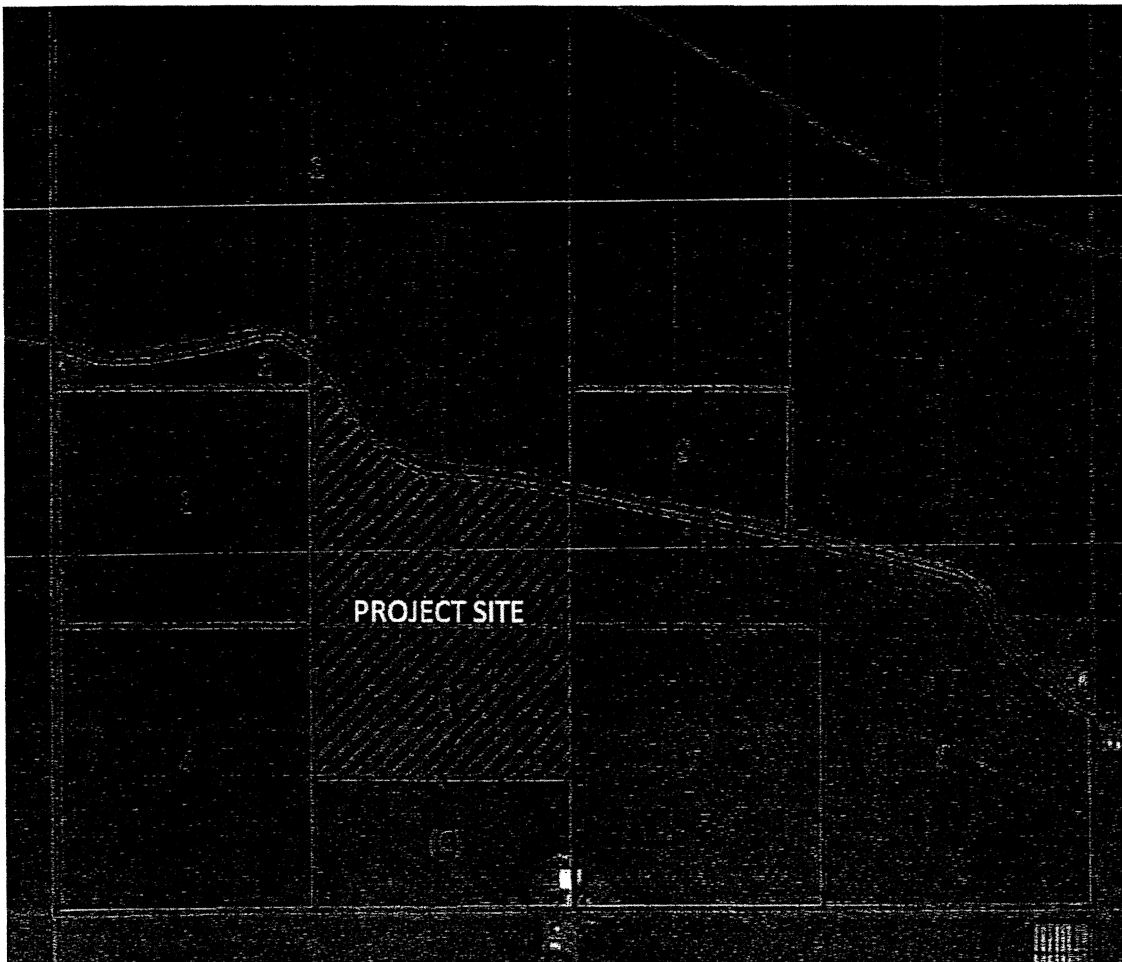
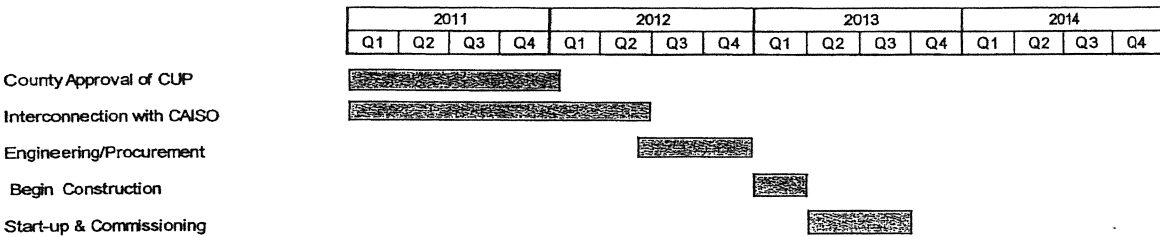


Exhibit of Adjacent Properties

No roadways will be significantly affected by the Oro Loma IV project, with the possible exception of temporary impacts during the project’s 9- to 12-month construction period as discussed in the Technical Studies section above. Construction traffic will access the Oro Loma IV site via West Nees Avenue, North Russell Avenue and North Brannon Avenue. Despite the increased traffic during construction of the proposed project, it is unlikely that the traffic volumes on these roads will exceed the volume thresholds identified by the County.

Development Schedule

It is anticipated that the permitting, construction, and operation of the Oro Loma IV facility will generally adhere to the following schedule:



Public Utilities & Services

The Oro Loma IV facility is expected to be serviced as follows:

1. Refuse –Waste Management
2. Sewer – Onsite septic system
3. Water – Panoche Water District supply with onsite treatment
4. Police – Fresno County Sheriff’s Department
5. Fire – Fresno County Fire Protection District/CalFire
6. Electric – Pacific Gas & Electric
7. Telephone – AT&T

Project Features & Best Management Practices (BMPs)

The following sections describe standard project features and best management practices that will be applied during construction and long-term operation of Oro Loma IV in an effort to avoid environmental impact.

Aesthetics

The project will have a perimeter fence no less than six feet in height, and will be topped with two feet of barbed wire. It will be screened with neutral-colored polyvinylchloride (PVC) slats (or similar). The fence, along with the distance to Nees Avenue, will largely screen the project from view and ensure that the project does not adversely impact any scenic resources or the visual character of the site and its surroundings.

Erosion Control & Storm Water Drainage

Earthmoving activities will be limited to the construction of the access road, O&M building, the electrical substation and any storm water protection or storage (detention) facilities. Final grading may include revegetation with low-lying grass or applying earth-binding materials to disturbed areas.

Site Drainage during Construction & Operation

Site drainage during construction will follow predevelopment conditions flow patterns with ultimate site discharge at the low point of each agricultural field. The incremental storm water run-off attributed to construction of foundations for solar panel mounting frames, foundations within the substation, inverter modules and the O&M building area will be contained by existing ditches and elevated roadways at the low end of each field which will prevent offsite migration of storm water and allow sedimentation and absorption with ultimate discharge at the low corner of each array area. Designs will be based upon the State's Construction General Permit (2009-0009DWQ) for erosion and sediment control. All storm water storage areas will be designed to absorb or discharge within 72 hours (mosquito abatement measure).

Temporary Erosion and Sedimentation Control Measures

Temporary erosion and sedimentation control measures to be used during construction will be designed to prevent sediments from being displaced and carried offsite by storm water runoff. Prior to beginning excavation activities, a silt fence, straw bales, or other BMP will be installed where appropriate where minor runoff to offsite areas could occur. The silt fence will filter sediments from construction runoff. During construction, the extent of earth disturbances will be minimized as much as practical. Temporary BMP control measures will be maintained as necessary throughout the construction period. A sediment trap will be constructed for the major site runoff discharge. The sediment trap will be located immediately upstream of the site boundary.

Waste and Hazardous Materials Management

Oro Loma IV will have minimal levels of materials on site that have been defined as hazardous under 40CFR, Part 261. The following materials will be used during the construction, operation, and long term maintenance of Oro Loma IV:

- Insulating oil used for electrical equipment;
- Lubricating oil for use in maintenance vehicles and equipment;
- Various solvents and detergents for cleaning equipment;
- Gasoline for use in maintenance vehicles.

Wastes will be managed in accordance with applicable regulations for the Oro Loma IV facility as follows:

- All hazardous wastes will be maintained at quantities below the threshold requiring a Hazardous Material Management Program (HMMP; one 55-gallon drum);
- All waste drums will be stored in accordance with good practice and applicable regulations, and will be protected from environmental conditions including rain, wind, and direct heat, and from physical hazards such as vehicle traffic and sources of heat or impact;

-
- Waste lubricating oils will be recovered and reclaimed by a waste oil-recycling contractor;
 - Spent lubricating filters from vehicles will be disposed of at an authorized disposal facility;
 - Hazardous waste generation, handling, and storage areas will be monitored and inspected on a regular basis;
 - California-authorized and certified hazardous waste haulers will transport hazardous wastes to registered waste treatment, storage, disposal, or recycling facilities, as applicable;
 - Emergency response and reporting will be provided per written procedures that follow government and industry requirements and standards;
 - Workers will be trained to handle hazardous wastes generated at the site;
 - If 55 or more gallons of hazardous waste are accumulated onsite, storage of such hazardous waste will at no time exceed 90 days from the date of initial accumulation exceeding 55 gallons, and a HMMP shall be developed as described below.

The storage, use, and handling of any hazardous materials will be in accordance with applicable regulations and will include the following items:

- Facility personnel will be trained in hazardous materials and hazardous waste awareness, handling, and management as required for their level of responsibility;
- Bulk chemicals will be stored in the original shipping container provided by and returned to the chemical provider;
- Chemical storage areas and feed/transfer areas will be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank including an allowance for rainwater;
- Small-quantity chemicals used for maintenance tasks will be kept in appropriate flammable material or corrosive material storage lockers following applicable regulations;
- Periodic inspections will ensure that all containers are secure and properly marked;
- Sanitary wastewater generated at the facility cannot be conveyed to an existing public sewage treatment facility. There are no public entities that manage sanitary wastewater flows for locations in the vicinity of the project site.

Should onsite storage of hazardous materials exceed one 55-gallon drum, Oro Loma IV will implement a Hazardous Materials Management Program (HMMP) developed for the Oro Loma IV construction and operation stages, and will include, at a minimum, procedures for:

- Hazardous materials handling, use and storage;
- Emergency response;
- Spill control and prevention;
- Employee training;
- Record keeping and reporting.

The HMMP (if required) will be developed and implemented prior to start of construction or prior to the storage onsite of an excess of 55 gallons of hazardous materials. The program will be revised and updated as required in a timely manner. Employees will be trained and the program implemented prior to the start of commercial operation. The procedures outlined in the HMMP will be in accordance with all applicable regulations.

Spill Prevention & Containment

Spill prevention and containment for construction and operation of Oro Loma IV will adhere as follows to EPA's guidance on Spill Prevention Control and Countermeasures (SPCC) as any hazardous materials stored onsite will be in quantities of less than 55 gallons.

Regularly scheduled inspections, evaluations, and testing by qualified personnel are critical parts of discharge prevention. Their purpose is to prevent, predict, and readily detect discharges. They are conducted not only on containers, but also on associated piping, valves, and appurtenances, and on other equipment and components that could be a source or cause of an oil release.

Wastewater/Septic System

A standard onsite septic tank and leach field will be used to dispose of wastewater, designed to meet operation and maintenance guidelines required by Fresno County laws, ordinances, regulations, and standards. Although this is the preferred method of wastewater disposal, the Applicant also wishes to retain the option of providing portable restrooms, the cleaning and maintenance of which would be consistent with the requirements of the County of Fresno Public Health Department.

Inert Solids

Inert solid wastes resulting from construction activities may include recyclable items such as paper, cardboard, solid concrete and block, metals, wire, glass, type 1-4 plastics, drywall, wood, and lubricating oils. Non-recyclable items include insulation, other plastics, food waste, vinyl flooring and base, carpeting, paint containers, packing materials, and other construction wastes. Management of these wastes will be the responsibility of the construction contractor(s). All packaging materials for components of the solar facility shall be crated and recycled offsite. No crating or packaging materials will be placed in local landfills. Management practices require recycling of contractor waste when possible, and proper storage of non-recyclable waste and debris to prevent wind dispersion, and weekly pickup of non-recyclable wastes with disposal at a local approved landfill.

Chemical storage tanks (if any) will be shop-fabricated, double-walled construction meeting applicable regulations. These tanks, as well as portable drums (if any), will be provided with appropriate anchors or cradles and placed within spill containment basins.

Any wastes classified as hazardous such as solvents, degreasing agents, concrete curing compounds, paints, adhesives, chemicals, or chemical containers will be stored (in an approved storage facility/shed/structure) and disposed of as required by local and state regulations. Material quantities of hazardous wastes are not expected.

Fire Protection

Oro Loma IV will have onsite fire-protection systems and will be supported by local fire protection services. Portable and fixed fire suppression equipment and systems will be included in the project. Portable fire extinguishers will be located at strategic locations throughout the project site. The fixed fire protection system will also include 10,000 gallons of dedicated water from on-site storage tank(s) and wet fire-department connection for protection of the O&M building only. Pressurized waterlines or fire department connections are not planned for the solar arrays.

Employees will be given fire safety training including instruction in fire prevention, the use of portable fire extinguishers and the reporting of fires to the local fire department. Employees will only suppress fires in their incipient stage.

Service roads along the perimeter and within the property will be 20-foot wide, all-weather gravel roads capable of supporting the weight of the fire apparatus commonly used by the Fresno County Fire Protection District/CalFire. Interior roads with a minimum width of 20 feet will be spaced approximately 500 feet from each other. If a cover crop (salt grass or similar) is used at the site, it will be maintained at a reasonably low height to avoid the potential for a fire incident.

Site Security & Fencing

An onsite security system will be installed as part of the Oro Loma IV project. Access-controlled gates will be maintained at the main entrance to the site.

Perimeter security fencing and access gates will be provided. Regular site security vehicular patrols will be conducted to provide additional site security. Site access will be provided to offsite emergency response teams that respond in the event of an "after-hours" emergency. Access to the property will either be via swinging or sliding gates with a minimum width of 20 feet. A Knox box will be provided at the gate location to provide access to the site by fire department or other emergency units.

Health & Safety

Safety precautions and emergency systems will be implemented as part of the design and construction of the Oro Loma IV facility to ensure safe and reliable operation. Administrative controls will include classroom and hands-on training in operating and maintenance procedures, general safety items, and a planned maintenance program. These will work with the system design and monitoring features to enhance safety and reliability.

All employees shall be provided with communication devices, cell phones, or walkie-talkies to aid in the event of an emergency situation onsite.

Safety, Auxiliary, and Emergency Systems

Safety, auxiliary, and emergency systems will consist of lighting, grounding, backup UPS systems, fire and hazardous materials safety systems, security systems, and emergency response teams procedure. The O&M building may include its own utilities and services, such as emergency power, fire suppression, and potable water systems.

Oro Loma IV will implement programs to assure compliance with federal and state occupational safety and health program requirements. In addition to compliance with these programs, IVCS will identify and implement plant-specific programs that effectively assess potential hazards and mitigate them on a routine basis.

As discussed above, hazardous materials may be stored and used at Oro Loma IV during construction and operation, but will be restricted to less than one 55-gallon drum. The design and

construction of any hazardous materials storage and dispensing systems will be in accordance with applicable regulations. Hazardous materials storage areas will be designed with curbs or other containment measures such as double-walled storage tanks, if applicable, to contain spills and leaks. If hazardous materials exceed 55 gallons, a Hazardous Material Management Program will be developed as described in the Project Features & Best Management Practices Section above.

Emergency eyewashes (if required by fire or safety codes) will be provided at appropriate locations. Appropriate Personal Protective Equipment (PPE) will be provided during both construction and operation of the Oro Loma IV facility.

Emergency Response Plan

Oro Loma IV will have an Emergency Response Plan (ERP). The ERP will address potential emergencies including chemical releases, fires, and injuries. The ERP will describe emergency response equipment and equipment locations, evacuation routes, procedures for reporting to local emergency response agencies, responsibilities for emergency response, and other required actions to be taken in the event of an emergency.

Employee response to an emergency will be limited to an immediate response to minimize the risk of injury or escalation of the accident. Employees will be trained to respond to fires, spills, earthquakes, and injuries. A first-aid facility with adequate first-aid supplies and personnel qualified in first-aid treatment will be onsite.

Additional Information

Project Construction

Construction of Oro Loma IV will require approximately 9 to 12 months. This section describes major components during the design, layout, and construction processes.

Project Engineering, Procurement, Construction, and Compliance

The engineering, procurement, and construction of Oro Loma IV will be accomplished as follows:

1. Gestamp Solar will select a Contractor to prepare and provide detailed engineering, drawings, and specifications for permitting. The Applicant will provide project management services over these processes to ensure quality. Long lead equipment may be procured by Gestamp Solar in advance of the start of construction.
2. The Contractor (Construction Manager at-Risk, CMAR) will be identified in advance of the start of construction. The CMAR will provide value engineering, construction preparation, and procurement services related to site preparation, buildings, and power collection and transmission.
3. A Prime Equipment Supplier (PES) or Suppliers will be selected in coordination with the Contractor and Gestamp Solar for providing the solar panels and inverters. All equipment provided will meet or exceed standards set by the local jurisdiction. The Contractor will be responsible for installing these items per current enforced CEC (California Energy Code) and local jurisdiction standards.

The overall detailed construction schedule will be prepared and coordinated through the prime CMAR contractor with input from the Applicant. Detailed construction operating plans will be included in the Project Execution Plan (PEP) as follows:

1. A project-specific Occupational Safety and Health Plan will be developed to specify worker safety procedures and the Applicant's and CMAR's responsibilities in order to prevent incidents involving personnel at the project site.
2. The PEP will address roles and responsibilities, identify primary contacts, and establish procedures and actions required during the design, procurement, and construction stages of the work.
3. The CMAR will develop a project-specific Quality Assurance/Control Plan with input from appropriate representatives of the Contractors' project team, the Applicant, and equipment suppliers.
4. Personnel parking will be located within the lay-down area during construction.
5. The CMAR will have at least one designated Safety Coordinator who will prepare a site-specific safety plan. Emergency services will be coordinated with the Fresno County Fire Protection District/CalFire.
6. All contractors, subcontractors, and consultants will participate (or will have appropriate certification) in appropriate health, safety, environmental, HMMP (if required), and emergency procedures training prior to initiation of any onsite activities.

Site Preparation, Surveying, & Staking

Site preparation, surveying, and staking of the project site will begin following Fresno County approval of the Oro Loma IV project.

Lay-Down Area

An approximately two-acre lay-down area will be available for PV panel offloading and steel frame assembly. It is assumed that the PV panel arrays will be assembled in parallel with construction of the O&M building and the electrical substation.

Site Clearing

The project will be designed in such a manner as to minimize ground disturbances and resultant environmental impacts.

PV Panel Steel Mounting Frames Installation

Foundations for the galvanized steel mounting frames will be installed approximately 20 feet on-center along the front and back of each panel row. Foundations will consist of piles driven between five and nine feet below ground surface (subject to change based on soils report).

PV Solar Array Field

The site layout will maintain predevelopment drainage patterns and discharge from the site will remain as previously existed within the project boundary. The 20-foot-wide access roads will be designed to convey nuisance runoff to existing drainage channels/swales. It is expected that storm water runoff will flow over the crown of the paved roadway, which is typically less than six inches from swale flow line to crown at centerline of roadway, thus maintaining existing local drainage patterns during storms. Unpaved access areas between PV panel rows will be planted with salt grass (or similar), which will be watered infrequently, limiting mowing, yet maintaining binding of the soil with the grass root system. As an alternative to the cover crop, a soil stabilizing polymer may be used as a dust suppressant.

It is anticipated that specialized workers outside the immediate area may be required. They will commute to the Oro Loma IV construction site and stay in temporary housing or apartments during the week for the duration of construction of the proposed project.

Heavy construction will be scheduled to occur between 6:00 am and 5:00 pm, Monday through Friday. Additional hours may be necessary to make up schedule deficiencies or to complete critical construction activities. It is estimated that there would be up to 40 workers per day onsite during the construction of the project.

Some activities may continue 24 hours per day, seven days per week. These activities include, but are not limited to, refueling and/or maintenance of equipment, staging of material for the following day's construction activities, quality assurance/control, and commissioning.

Materials and supplies will be delivered to the site by truck. Truck deliveries will normally occur during daylight hours. However, there will be offloading and/or transporting to the site on weekends and during evening hours.

O&M Building

It is anticipated that an O&M Building (up to 40 feet by 80 feet) may be required, and would include at the most:

1. Office
2. Repair Building/Parts Storage
3. Electrical Array/Control Room
4. Restrooms
5. Water Treatment Facility

Work Force

It is expected that the Oro Loma IV facility will be operated with a staff of up to six (6) full-time employees. The facility will operate seven days per week, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities may occur seven days a week, 24 hours per day to ensure PV panel output when solar energy is available.

Project Lighting

Site lighting will comply with the Fresno County Zoning Ordinance and be used mostly for security purposes. Building lighting will meet/exceed the requirements outlined in Title 24. Emergency access identification and path lighting will be provided per building code requirements.

Electrical Grounding

The facility will be designed in accordance with National Electrical Code requirements. The electrical system may experience unit ground potential rise due to ground fault, lightning strike, or switching surges. A grounding system will be installed to permit dissipation of ground fault currents and minimize ground potential rise.

The grounding grid will be designed with adequate capacity to dissipate heat produced by ground current under fault conditions. Ground resistivity testing and calculations will be performed to ensure compliance with code requirements. Each PV panel and structure within the solar field will be grounded.

Within project buildings, grounding conductors will bond building structural steel, metallic piping, and non-energized metallic parts of electrical equipment to the building grounding systems.

Heating, Ventilation, & Air Conditioning

Heating, ventilation, and air-conditioning (HVAC) will consist of heat pump ground-mounted units with code-required fresh make-up air capabilities for the office and control area of the O&M building. Mechanical ventilation will be provided for the maintenance areas.

Temperature control will be provided for both personnel and equipment areas, and humidity control will be provided in the control and communications equipment rooms.

Operations and Maintenance

Once Oro Loma IV is constructed, operational activities will generally be limited to the following:

1. Washing of PV panels
2. Monitoring electricity generation
3. Providing site security
4. Facility maintenance, such as replacing or repairing PV modules, wiring, and inverters
5. Site maintenance, such as attending to cover crop(s), roads, and landscaping
6. Preventative maintenance, such as greasing moveable parts in the tracker system.

Maintenance Activities

PV panel washing, operations dust control, potable water use, and water treatment under regular maintenance routines will require 1 acre-feet of water per year. Backwash water from the reverse osmosis water treatment plant will equal the clean process water volume. Backwash water will be applied to any required landscaped areas on the project site.

Long-term maintenance of the access roads and solar arrays will include:

1. Temporary soil stabilization techniques, such as scheduling construction sequences to minimize land disturbance during the rainy and non-rainy seasons and employing BMPs appropriate to the season.
2. Sediment control techniques, such as placement of silt fences, straw bales, and/or fiber rolls to intercept and slow the flow of sediment-laden runoff such that sediment settles before runoff leaves the site.
3. Wind erosion control by maintaining low-lying grass or dust palliatives, as required or appropriate, to prevent or alleviate windblown dust.
4. Other measures, as appropriate, to comply with Fresno County laws, ordinances, regulations, and standards.

Solar Facility Guidelines

June 21, 2011

1. Information shall be submitted regarding the historical agricultural operational/usage of the parcel, including, specific crop type, for the last 10 years (if no agricultural operation in the last 10 years, specify when land was last in agricultural use).

See Appendix A

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 10 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.

See Appendix A

3. Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, Retired land, etc.), submittal of documentation of contracts, purpose of any easement limitations and retired land designations and submittal of title report and any deed restrictions on those properties.

The subject property is under Williamson Act Contract #2043. See Appendix B

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.

The California State Department of Conservation farmland map depicts this property as "non-prime".

The property's soil composition as determined by the Natural Resources Conservation Service is "Tranquility-tranquility, wet, complex, saline-sodic, 0 to 1% slopes".

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.

June 21, 2011

All construction activities will occur within the subject property boundaries. The proposed facility will be enclosed by a chain link fence along its perimeter, which will be one of the first construction activities. Inside the perimeter fence, a 20' wide all weather access road will be provided/installed that will increase the distance of the proposed construction activities from the neighboring farming activities. See map in Section B

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. See Appendix D for a sample 1.5 mw facility.

See Appendix B

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.

See attached findings for cancellation highlighting site sourcing criteria for solar development and the available land in the general vicinity of a power substation of interest. See Appendix B

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 first construction grading activity is to clear the site of existing weeds and vegetation; clearing and grubbing. Prior to final compaction of the top soil, the contractor will install an herbicide to prevent the future growth of weeds. On a regular basis, as deemed necessary by the operations & maintenance personnel, a weed control specialist will be hired to spray the facility to keep it free of weeds. Likewise for pests, a pest control specialist will be hired to maintain the facility as to not affect the neighboring farming operations. This can be done by using various pesticides and rodent traps. The frequency will be based on the amount of pests found onsite once the facility is constructed.

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.

Gestamp acknowledges the requirement and will record the notice as requested.

Oro Loma IV-10 Year Crop History
 Fields: 26-4 & 5
 APNs: 005-060-18S & 17S(Partial)

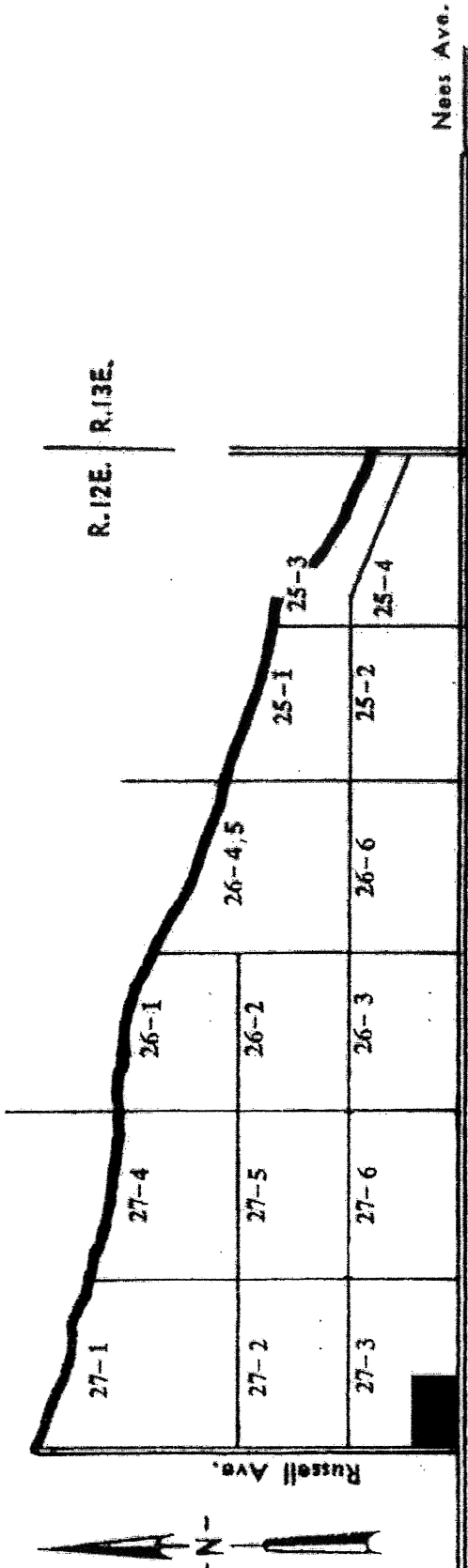
| <u>Year</u> | <u>Acres</u> | <u>Crop</u> | <u>Yield</u> | <u>Unit</u> |
|-------------|--------------|-------------|--------------|-------------|
| 2002 | 166.1 | Melons | 428.39 | cts./ac |
| 2003 | 166.1 | Cotton | 3.08 | bales/ac |
| | | Cotton Seed | 1.01 | tons/ac |
| 2004 | 166.1 | Cotton | 3.97 | bales/ac |
| | | Cotton Seed | 1.49 | tons/ac |
| 2005 | 73 | Cotton | 2.54 | bales/ac |
| | | Cotton Seed | 0.95 | tons/ac |
| | | Tomatoes | 54.81 | tons/ac |
| 2006 | 65 | Cotton | 3.12 | bales/ac |
| | | Cotton Seed | 1.51 | tons/ac |
| | 101.6 | Onions | 14.57 | tons/ac |
| 2007 | 166.1 | Cotton | 3.58 | bales/ac |
| | | Cotton Seed | 2.39 | tons/ac |
| 2008 | 100 | Cotton | 3.33 | bales/ac |
| | | Cotton Seed | 2.33 | tons/ac |
| | 66.1 | Wheat | 3.2 | tons/ac |
| 2009 | 166.1 | n/a | 0 | n/a |
| 2010 | 166.1 | Tomatoes | 37.55 | tons/ac |
| 2011 | 166.1 | Cotton | 2.51 | bales/ac |
| | | Cotton Seed | 0.75 | tons/ac |

Oro Loma IV-10 Year Crop History

Field: 26-6

APNs: 005-060-17S(Partial)

| <u>Year</u> | <u>Acres</u> | <u>Crop</u> | <u>Yield</u> | <u>Unit</u> |
|-------------|--------------|-------------|--------------|-------------|
| 2002 | 99.2 | Cotton | 2.98 | bales/ac |
| | | Cotton Seed | 0.99 | tons/ac |
| 2003 | 99.2 | Wheat | 1.11 | tons/ac |
| 2004 | 99.2 | Cotton | 3.72 | bales/ac |
| | | Cotton Seed | 0.93 | tons/ac |
| 2005 | 99.2 | Cotton | 3.32 | bales/ac |
| | | Cotton Seed | 1.25 | tons/ac |
| 2006 | 99.2 | Cotton | 3.12 | bales/ac |
| | | Cotton Seed | 1.5 | tons/ac |
| 2007 | 99.2 | Cotton | 3.27 | bales/ac |
| | | Cotton Seed | 2.3 | tons/ac |
| 2008 | 103.3 | Wheat | 3.17 | tons/ac |
| 2009 | 103.3 | n/a | 0 | n/a |
| 2010 | 93 | Cotton | 2.52 | bales/ac |
| 2011 | 93 | Cotton | 1.56 | bales/ac |
| | | Cotton Seed | 0.47 | tons/ac |



Oro Loma Fields Map

APPENDIX A

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COUNTY OF FRESNO

SEP 26 2011

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

ORO LOMA IV

¹⁷
APN: 005-060-~~165~~ (Contract No. 2047)

Annual Water Allocation

Panoche Water District

2011 112.58 ac. X 2.46 X .80 = 221.56 acre feet per acre
2010 112.58 ac. X 2.46 X .45 = 124.63 acre feet per acre
2009 112.58 ac. X 2.46 X .10 = 27.69 acre feet per acre
2008 112.58 ac. X 2.46 X .40 = 110.78 acre feet per acre
2007 112.58 ac. X 2.46 X .50 = 138.47 acre feet per acre
2006 112.58 ac. X 2.46 X 100% = 276.95 acre feet per acre
2005 112.58 ac. X 2.46 X .85 = 235.40 acre feet per acre
2004 112.58 ac. X 2.46 X .70 = 193.86 acre feet per acre
2003 112.58 ac. X 2.46 X .75 = 207.71 acre feet per acre
2002 112.58 ac. X 2.46 X .70 = 193.86 acre feet per acre
2001 112.58 ac. X 2.46 X .53 = 146.78 acre feet per acre
2000 112.58 ac. X 2.46 X .65 = 180.02 acre feet per acre
1999 112.58 ac. X 2.46 X .70 = 193.86 acre feet per acre
1998 112.58 ac. X 2.46 X 100% = 276.95 acre feet per acre
1997 112.58 ac. X 2.46 X .90 = 249.25 acre feet per acre

APPENDIX B

FINDINGS FOR WILLIAMSON ACT CANCELLATION

Petitioners: Michael K. & Irene D. Matson, Trustees and Terra Bella Farm Company
Gestamp Solar – Developer

Contact: Francisco Sanchez

Property APNs: 050-060-18S, and 005-060-17S (portion)

RECEIVED
COUNTY OF FRESNO

SEP 14 2011

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Property Description:

The subject property consists of two legal parcels. The APNs for this site are 005-060-18S, which consists of 112.58 acres; and the northern half of 005-060-17S, which consists of approximately 78.94 acres. A legal description for both parcels has been submitted. The zoning for each parcel is AE-20, an exclusive zone for agricultural use.

An application for an unclassified conditional use permit has been submitted to the Fresno County Development Service Department to permit a solar generation farm to be installed on the subject property. The solar farm will occupy the majority of each parcel, which will require the partial cancellation of Williamson Act Contract No. 2047 on APN: 005-060-18S, and partial cancellation of Williamson Act Contract No. 2043 on the northern half of APN: 005-060-17S. The solar facility will meet certification requirements listed by CAISO, the California Independent System Operator, which is a non-profit organization that is responsible for regulating California's high voltage wholesale power grid.

Over the past 12 years, the use of the land has been for seasonal crops. The landscape is fairly flat, and there are no permanent structures on the property.

Public Interest Findings: In order to find that the cancellation is in the public interest, the board/council must find:

(1) That other public concerns substantially outweigh the objectives of the Williamson Act;

It is understood that agriculture is Fresno County's biggest export and its productivity is crucial to the local economy. Limiting urban development and preserving agricultural property is crucial in developing a strong agricultural foundation. With the local economy being in the condition it is in and with the current water crisis, farming in Fresno County has become increasingly difficult for local growers.

Considering the aforementioned, the proposed project would be of benefit to the public for the following reasons:
Financial impact: The local economy is struggling to provide jobs for the unemployed which is comprised of individuals from all types of professions. The proposed project will require the services of several engineering and consulting firms in the development phase and a very large project management and construction workforce during the construction phase that will have a significant impact on the surrounding communities. The benefits that the public will have as a result of cancellation of the ag contract would be the amount of jobs being created and services being provided, especially during the construction phase. During completion of the project, the site will require a full time staff for the operations and maintenance of the facility.

Preserving this parcel as contracted land will not have a greater benefit to the public than the proposed project would. Farming has not occurred on this property in the last two years. With today's diminishing water allocations and the site's poor soil conditions, farming the property is just not a viable financial option for the landowner. Benefits of

allowing the Williamson Act cancellation would be the positive financial impact not only to the surrounding communities but to the county as a whole as we employ local consultants, engineers and construction workers and construction management companies.

(2) That there is no proximate, non-contracted land which is both available and suitable for the proposed use, or, that development of the contracted land would provide more contiguous patterns of urban development (GC §51282(c)).

The uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put (GC §51282(b)).

During our site evaluation process we found that there are no proximate non-contracted lands that are either available or suitable for the proposed use. Petitioner has established criteria for lands that have potential for solar development. In evaluating a site for solar development the site must meet certain criteria. The following is a partial list of the petitioner's criteria:

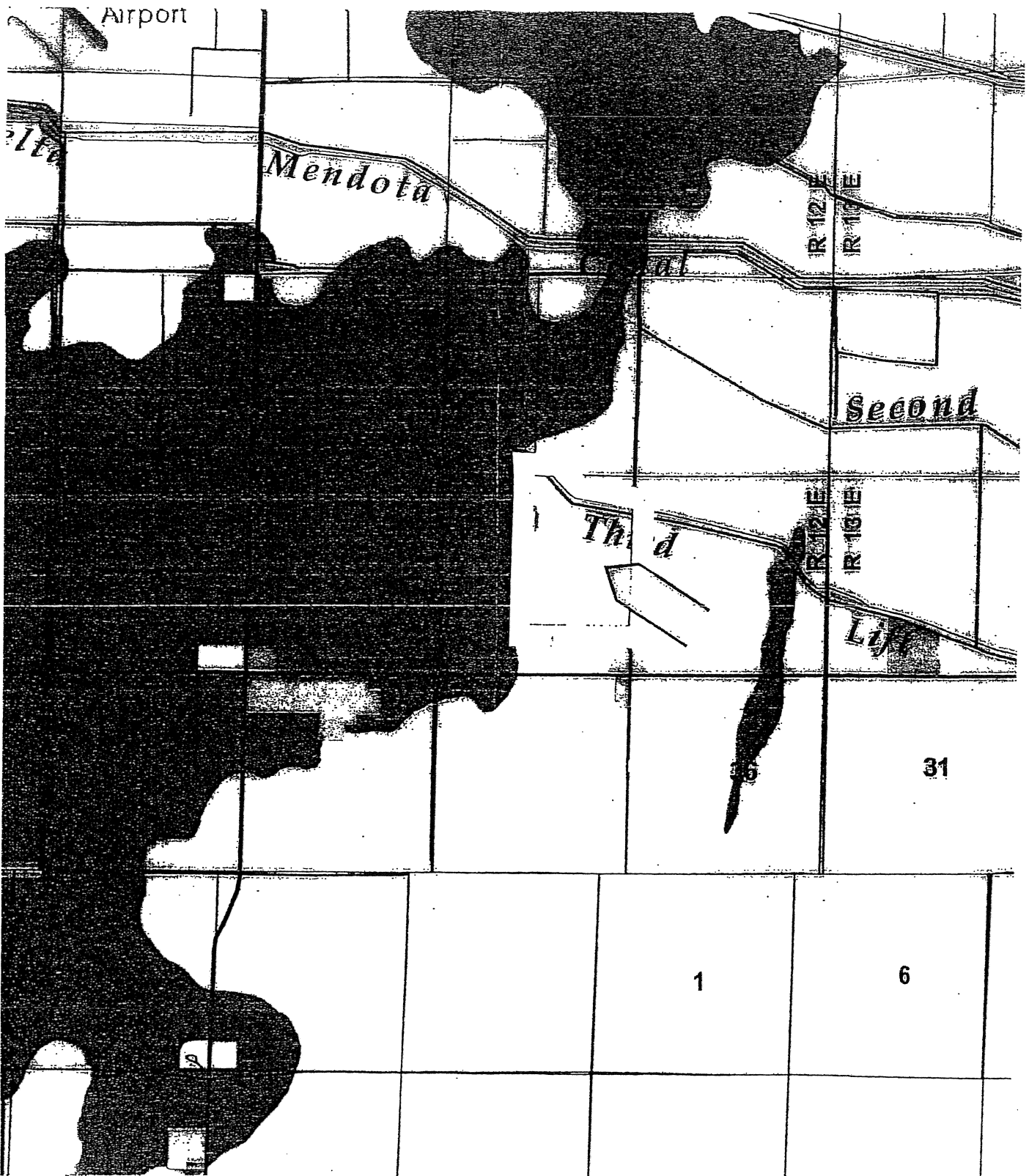
- (1) That the land has an open and relatively flat landscape and does not contain any permanent structures or crops.
- (2) That the land be located within three miles of a power substation.
- (3) That the land has distribution or transmission lines (power lines) within a 1/4 mile of the parcel.
- (4) That the land has legal access.
- (5) That the existing use is not one that generates hazardous waste to the environment or site and that there is no evidence of any endangered species living in the area.

Once the property is determined to be suitable for solar development, our next step would be to approach the land owner and propose an offer to lease the land. We find that most property owners would rather sale the property or wait for urban development than to commit to long term lease. The subject property is surrounded by parcels in a three mile radius that participate in the Agricultural Land Conservation Contract. There are not any parcels within a 3 mile radius of the substation that meet the above criteria and are non-contracted lands. It is our preference to seek and pursue land that is non-contracted but there are no other lands that meet the criteria above and have owners that are interested in solar development.

Finding land that is non-contracted is not in itself a difficult thing to do, but our criteria is not solely based on locating suitable land. Power interconnection and transmission is one of the major factors in evaluating potential for solar development. The farther we are from a substation the more the costs are if we have to install or upgrade existing power lines and substation components. The upgrades costs alone are sometimes enough to put a project on hold or to even cause a project to be cancelled.

Furthermore, development of this site would not cause more contiguous patterns of urban development due to the nature of the proposed project. A solar site will not attract developers of any type due to the fact that a solar site does not provide any goods to the public nor would it be open for public access. Access to the site will be restricted for safety and security reasons. Allowing a cancellation of the contract for the proposed solar farm will not attract developers to the area because the solar farm will not generate a significant increase of traffic to the area. If commercial or residential development projects were to be proposed in the area they would not gain any benefit from the proposed solar site. The exports of the solar farm will be distributed directly to the power utility. The power generated from the proposed project will be enough to power more than 30,000 homes. Additionally, utility scale renewable energy facilities are normally built outside of the city's sphere of influence largely due to the amount of land required. For example, the Meridian Solar project in Mendota required a 50 acre parcel of land and is built near an existing biomass facility.

APPENDIX C



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Enter keywords

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Map Unit Legend

Fresno County, California, Western Part (CA653)

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|--|----------------|----------------|
| 285 | Tranquillity-Tranquillity, wet, complex, saline-sodic, 0 to 1 percent slopes | 1,232.8 | 72.4% |
| 468 | Deldota clay, partially drained, 0 to 1 percent slopes | 405.2 | 23.8% |
| 479 | Cerini clay loam, 0 to 2 percent slopes | 64.9 | 3.8% |
| Totals for Area of Interest | | 1,702.9 | 100.0% |

Soil Map

Fresno County, California, Western Part

285—Tranquillity-Tranquillity, wet, complex, saline-sodic, 0 to 1 percent slopes

Map Unit Setting

Elevation: 130 to 360 feet

Mean annual precipitation: 7 to 8 inches

Mean annual air temperature: 62 to 64 degrees F

Frost-free period: 220 to 250 days

Map Unit Composition

Tranquillity, clay, saline-sodic, and similar soils: 60 percent

Tranquillity, clay, saline-sodic, wet, and similar soils: 25 percent

Minor components: 15 percent

Description of Tranquillity, Clay, Saline-sodic

Setting

Landform: Fan skirts

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from calcareous sedimentary rock

Properties and qualities

Slope: 0 to 1 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat poorly drained

Capacity of the most limiting layer to transmit water

(Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Very rare

Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Gypsum, maximum content: 3 percent

Maximum salinity: Very slightly saline to slightly saline (4.0 to 8.0 mmhos/cm)

Sodium adsorption ratio, maximum: 20.0

Available water capacity: Moderate (about 7.9 inches)

Interpretive groups

Land capability classification (irrigated): 3w

Land capability (nonirrigated): 7w

Typical profile

0 to 22 inches: Clay

22 to 53 inches: Clay

53 to 71 inches: Clay

Description of Tranquillity, Clay, Saline-sodic, Wet

Setting

Landform: Fan skirts
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from calcareous sedimentary rock

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 48 to 60 inches
Frequency of flooding: Very rare
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Gypsum, maximum content: 8 percent
Maximum salinity: Slightly saline to moderately saline (8.0 to 15.0 mmhos/cm)
Sodium adsorption ratio, maximum: 50.0
Available water capacity: Moderate (about 6.1 inches)

Interpretive groups

Land capability classification (irrigated): 3w
Land capability (nonirrigated): 7w

Typical profile

0 to 6 inches: Clay
6 to 16 inches: Clay
16 to 31 inches: Clay
31 to 48 inches: Clay
48 to 65 inches: Silty clay

Minor Components

Ciervo, clay, saline-sodic, wet

Percent of map unit: 5 percent
Landform: Fan skirts

Armona, loam, partially drained

Percent of map unit: 4 percent
Landform: Flood plains on basin floors

Tachi, clay

Percent of map unit: 2 percent
Landform: Flood plains on basin floors

Calflax, clay loam, saline-sodic, wet

Percent of map unit: 2 percent
Landform: Fan skirts

Map Unit Description: Tranquillity-Tranquillity, wet, complex, saline-sodic, 0 to 1 percent slopes—Fresno County, California, Western Part

Deldota, clay, partially drained
Percent of map unit: 2 percent
Landform: Fan skirts

Data Source Information

Soil Survey Area: Fresno County, California, Western Part
Survey Area Data: Version 6, Jan 2, 2008

APPENDIX D

County of Fresno Photovoltaic Projects – Reclamation Plan for the Oro Loma IV Solar Project

1) Description of present use of the site. If currently vacant/fallow, identify last productive use (agricultural or otherwise).

Over the last 12 years (1999-2010) the use of the land has been for seasonal crops. The major crop for the majority of the time was cotton and cotton seed. The other crops on a rotational basis were: wheat, melons, tomatoes, and onions. The land was fallow during 2009.

2) Describe the proposed alternate use of the land (all equipment to be installed above and underground, structures, fencing, etc.)

The proposed alternate use of the land is a utility scale photovoltaic solar facility. The majority of the construction activities will occur above ground while there will be some underground construction for electrical cabling as well the installation of a septic system for the operations & maintenance staff. Above ground equipment will consist of the photovoltaic solar arrays which include the solar panel framing, the solar panels and the inverters on concrete pads. There will also be a modular type construction trailer where that will house the operations & maintenance staff. The perimeter of the facility will be enclosed with a chain link fence build per county standards.

3) Duration of the alternate use of the property (specify termination date).

The facility is intended to be in operation for a minimum of 35 years, which would have a termination date of 4th quarter of 2048.

4) Address ownership of the property (lease or sale).

Current ownership of the property is Michael K. & Irene D. Matson (trustees) Terra Bella Farm Company. Gestamp Solar holds an option to lease.

5) Describe how the subject property will be reclaimed to its previous agricultural condition, specifically:

- A. Timeline for completion of reclamation after solar facility lease has termed (identify phasing if needed),
- B. Handling of any hazardous chemicals/materials to be removed,
- C. Removal of all equipment, structures, buildings improvements at and above grade,
- D. Removal of any below grade foundations,
- E. Removal of any below grade infrastructure (cables/lines, etc) that are no longer deemed necessary by the local public utility company,
- F. Detail any grading necessary to return the site to original grade,
- G. Type of crops to be planted,
- H. Irrigation system details to be used (existing wells, pumps, etc. should remain throughout the solar facility use).

Response to question 5 A-H:

Once a photovoltaic generating facility has been permanently shut down, the reclamation process will begin to return the site to its previous agricultural condition. The entire reclamation of the sites will be complete approximately 6 months after the end of the solar facility's lease. Due to the relatively simple nature of photovoltaic facilities, the reclamation process is straightforward and completed in one phase. This includes the removal of all above and below-grade equipment and structures as well as all building improvements. All foundations will be demolished and removed. If necessary, grading will be performed to return the site to its original grade. All removed or demolished infrastructure will either be salvaged or recycled if possible. Since no hazardous chemicals or materials will be present during normal site operations, no special precautions or handling methods are necessary during the reclamation process. All transformers will be recycled as per the manufacturer's requirements and coolants will be disposed of properly.

All electrical equipment will be uninstalled and removed. This includes inverters, modules, combiner boxes, transformers, switchgear, monitoring equipment, and all other on-site equipment and their associated cabling. This equipment will either be reused or recycled depending on the equipment's condition, warranty factors, and technology improvements. All mounting structures will be removed and recycled if possible. Any building improvements on the site will be demolished and removed.

All below-grade foundations will be demolished. The concrete will then be removed from the site and disposed. All conduits and underground power and communication cabling that is not deemed necessary by the utility will be uninstalled and recycled. Any below grade facilities that are deemed necessary by the utility will remain buried and marked.

In the case of agricultural land, wells or pumps on site prior to the power plant construction may remain throughout the solar facility's use. These systems may once again be used to provide irrigation on the property after the site has been decommissioned. Once the solar facility is completely removed, the property owner will be able to commence farming on this property if he so chooses.

6) A Site Plan shall be submitted detailing the above.

See attached demolition site plan for a previous project (San Joaquin I) which is smaller in size but outlines the steps noted above. This project will require a larger labor force and a longer lead time.

7) An engineering cost estimate of reclaiming the site to its previous agricultural condition shall be submitted for review and approval.

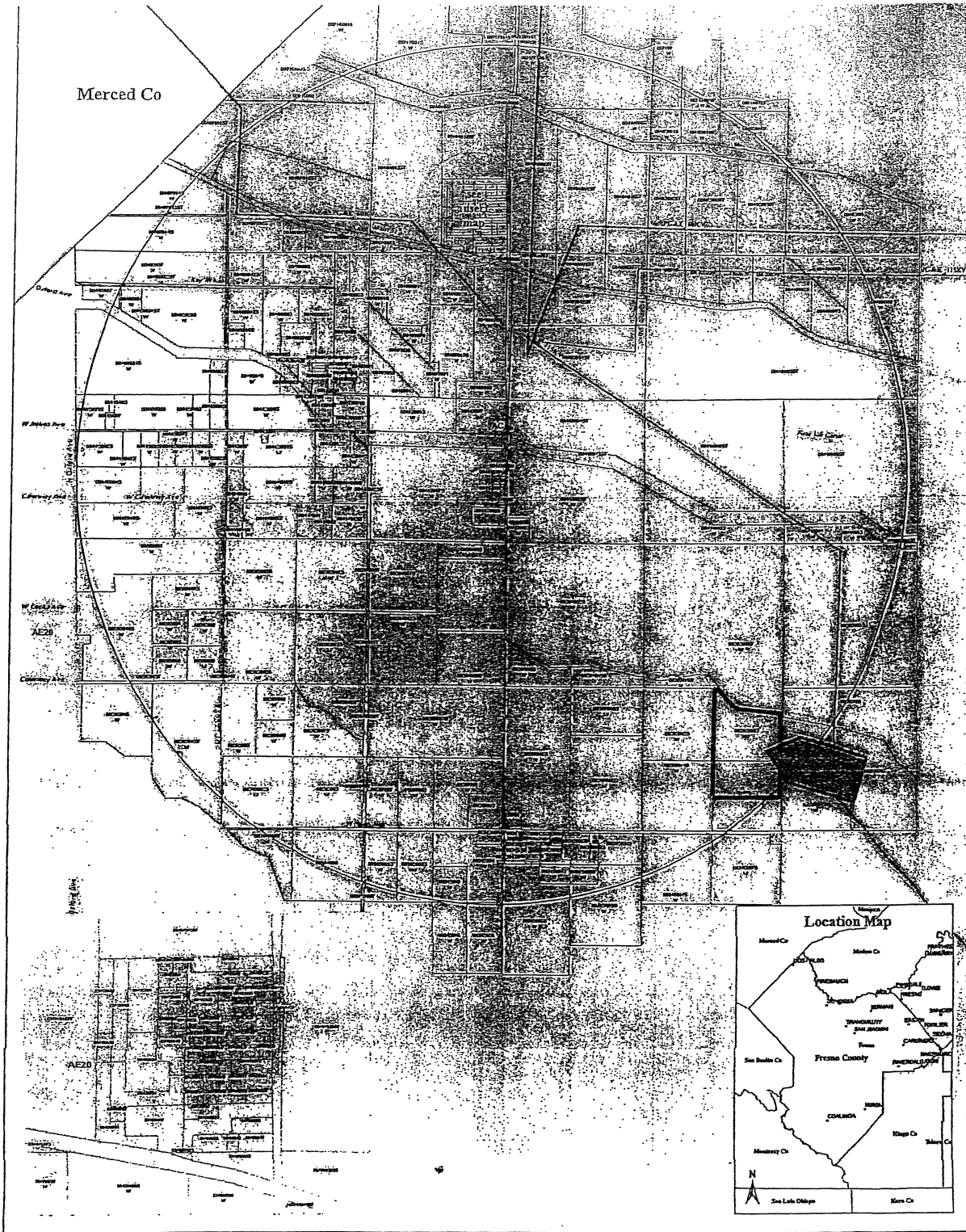
See attached

8) Financial assurances equal to the cost of reclaiming the land to its previous agricultural condition shall be submitted to ensure the reclamation is performed according to the approved plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, letter of credit, or bond that complies with Section 66499 of the California Government Code et. seq.

Pending

9) Evidence that all owners of record have been notified of the proposed reclamation plan.

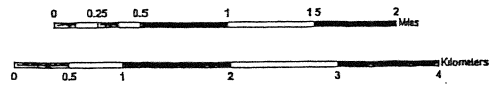
Pending, although this is a condition of our lease agreement that has already been executed by the property owner.



Legend

- ▲ Oro Loma Substation
- ▭ Selected_Fresno_County_Parcel
- ▭ 3 mile Study Area
- Fresno Co. Zoning - Current Use**
- ▭ AE20, Exclusive Agricultural
- ▨ AE40, Exclusive Agricultural
- ▨ AC, Agricultural Commercial

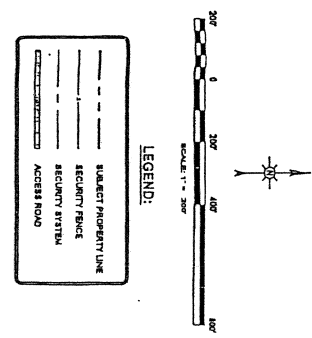
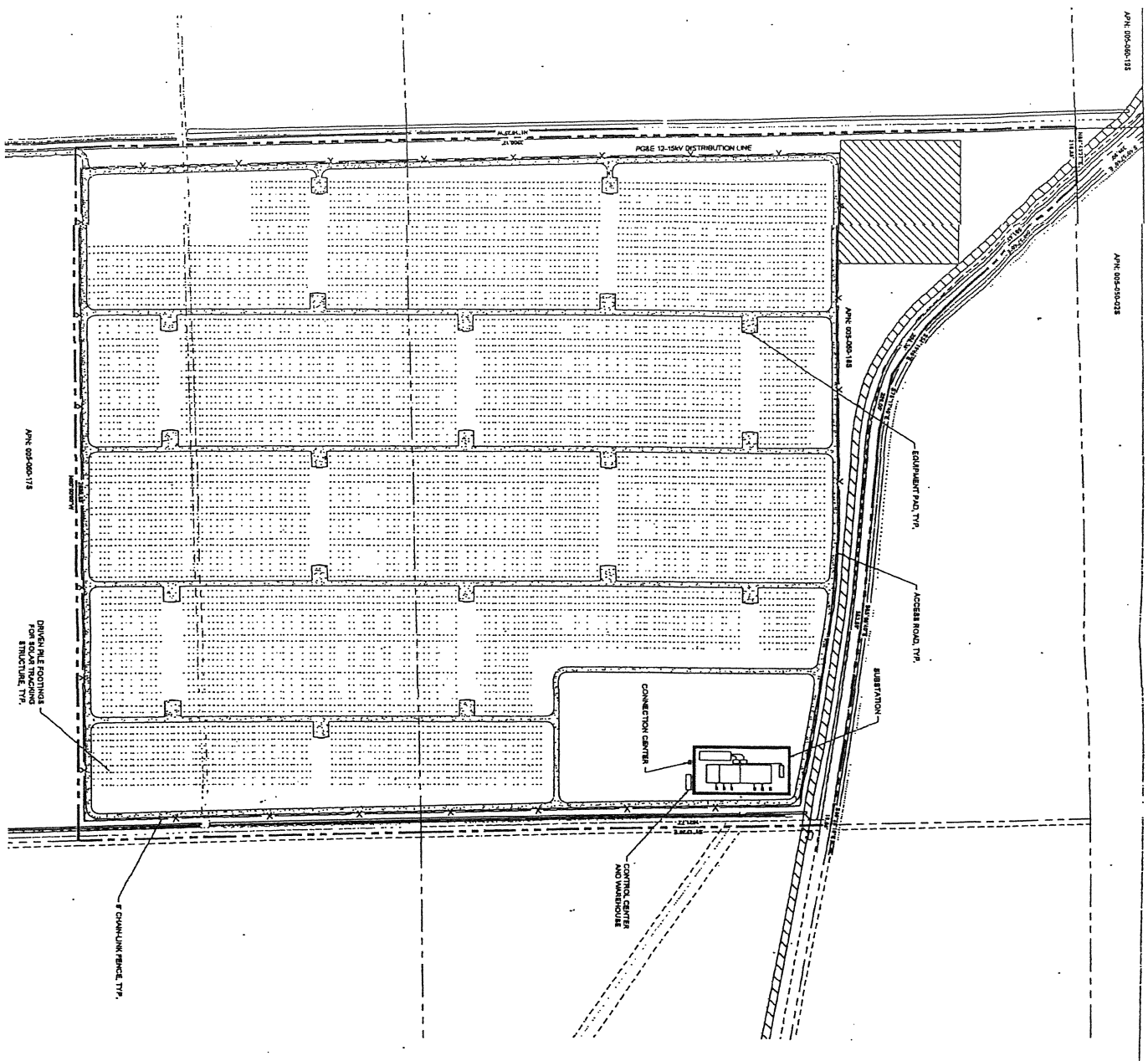
Oro Loma Substation
APN 004-12-006U



Prepared for the exclusive use of G.I. Solor

04/2008

The information on this map was prepared from GIS data assembled by different sources and specific. Precision Civil Engineering, Inc. is not responsible for the accuracy or completeness of the information or its use.



LEGEND:

- SUBJECT PROPERTY LINE
- SECURITY FENCE
- SECURITY FENCE
- ACCESS ROAD

ITEMS TO BE DEMOLISHED:

- (1) 60' x 240' CONCRETE PAD
- (1) 18" x 18" OF CONCRETE PAD
- (1) 120' x 120' OF CONCRETE PAD
- (1) 120' x 120' OF CONCRETE PAD
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- (1) 120' x 120' OF CONCRETE PAD

RECEIVED
 COUNTY OF FRESNO
SEP 14 2011
 DEPARTMENT OF PUBLIC WORKS
 DEVELOPMENT SERVICES DIVISION

| RECLAMATION PLAN PROJ: ORO LOMA IV - SINGLE AXIS TRACKER PROPOSED PHOTOVOLTAIC SOLAR POWER PLANT APN: 005-060-188 | CLIENT: GESTAMP SOLAR 50 CALIFORNIA STREET, SUITE 200 SAN FRANCISCO, CA 94111 TEL: (415) 236-6001 FAX: (415) 236-6005 | <p>Gestamp Solar</p> <p>675 W. Moana Ln., Ste. 100 Reno, NV 89509</p> <p>Tel: (775) 562-4104 Fax: (775) 562-4105</p> | | | | | | | | | | | | | | | | | | |
|--|--|---|-------------|------------|------------|---|----------|---------------------------|--|--|--|------|-------------|----|----|----------|----------------|--|--|--|
| <table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>DRAWN BY</th> <th>CHECKED BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>09-15-11</td> <td>POSTE LET LINE + BOUNDARY</td> <td></td> <td></td> </tr> </tbody> </table> | REV. | DATE | DESCRIPTION | DRAWN BY | CHECKED BY | 1 | 09-15-11 | POSTE LET LINE + BOUNDARY | | | <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>09-15-11</td> <td>PROJECT SET UP</td> <td></td> <td></td> </tr> </tbody> </table> | DATE | DESCRIPTION | BY | BY | 09-15-11 | PROJECT SET UP | | | |
| REV. | DATE | DESCRIPTION | DRAWN BY | CHECKED BY | | | | | | | | | | | | | | | | |
| 1 | 09-15-11 | POSTE LET LINE + BOUNDARY | | | | | | | | | | | | | | | | | | |
| DATE | DESCRIPTION | BY | BY | | | | | | | | | | | | | | | | | |
| 09-15-11 | PROJECT SET UP | | | | | | | | | | | | | | | | | | | |

SEP 14 2011

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Oro Loma IV Reclamation (20 MW)

| Civil Demolition | | | | |
|---|------------|------|---------------|------------------------|
| DESCRIPTION | Quantity | UNIT | LABOR | TOTAL |
| PANEL REMOVAL (100,800 PANELS) | 1.00 | LS | \$ 444,666.67 | \$ 444,666.67 |
| STEEL STRUCTURE DISASSEMBLY | 1.00 | LS | \$ 231,226.67 | \$ 231,226.67 |
| DRIVEN PILE FOUNDATION REMOVAL (16,800 FOUNDATIONS) | 1.00 | LS | \$ 177,866.67 | \$ 177,866.67 |
| BUILDING DEMOLITION | 1.00 | LS | \$ 13,000.00 | \$ 13,000.00 |
| FENCING DEMOLITION | 10,745.00 | LF | \$ 2.50 | \$ 26,862.50 |
| ACCESS ROAD DEMOLITION | 451,820.00 | SF | \$ 0.25 | \$ 112,955.00 |
| | | | Total | \$ 1,006,577.50 |

| Electrical Demolition | | | | |
|---|----------|------|---------------|----------------------|
| DESCRIPTION | Quantity | UNIT | Labor | TOTAL |
| REMOVAL OF WIRE & GROUNDING RODS (INCLUDING DISMANTLE & LOAD) | 1.00 | LS | \$ 53,360.00 | \$ 53,360.00 |
| INVERTERS/PARALLEL GEAR/COMBINER BOXES (INCLUDING DISMANTLE, LOAD & DISPOSAL) | 1.00 | LS | \$ 160,080.00 | \$ 160,080.00 |
| | | | Total | \$ 213,440.00 |

| Hauling | | | | | | |
|--|------------|------|--------------|--------------|-------------|----------------------|
| DESCRIPTION | Quantity | UNIT | Total Weight | Loads | \$/Load | TOTAL |
| PANELS (TRINA 230 W - 43lb EA) | 100,800.00 | EA | 4,334,400.00 | 160.53 | \$ 1,089.00 | \$ 174,820.80 |
| DRIVEN PILE FOUNDATIONS (ASSUMING 9 FT DEPTH, 108 LB EA) | 16,800.00 | EA | 1,814,400.00 | 67.20 | \$ 295.00 | \$ 19,824.00 |
| TRACKER STRUCTURE SUPPORTS (191.20 lb) | 16,800.00 | EA | 3,212,160.00 | 118.97 | \$ 295.00 | \$ 35,095.82 |
| BUILDING WASTE | 1.00 | LS | 8,000.00 | 0.30 | \$ 295.00 | \$ 87.41 |
| COPPER (WIRE, INVERTER & PARALLEL GEAR) | 1.00 | LS | 766,666.67 | 28.40 | \$ 295.00 | \$ 8,376.54 |
| | | | | Total | | \$ 238,204.57 |

| Disposal Fees | | | | |
|----------------------------|----------|------|--------------|----------------------|
| DESCRIPTION | Quantity | UNIT | Unit Price | TOTAL |
| DUMP FEES (PANELS) | 2,167.20 | ton | \$ 70.00 | \$ 151,704.00 |
| DUMP FEES (BUILDING WASTE) | 4.00 | ton | \$ 70.00 | \$ 280.00 |
| DUMP FEES (CONCRETE) | 50.00 | ton | \$ 70.00 | \$ 3,500.00 |
| | | | Total | \$ 155,484.00 |

Civil Demolition \$ 1,006,577.50
 Electrical Demolition \$ 213,440.00
 Hauling \$ 238,204.57
 Disposal Fees \$ 155,484.00

PRICES ARE SUBJECT TO CHANGE
 PRICES WILL FLUCTUATE WITH MARKET CONDITIONS

Net Demolition Cost: **1,613,706.07**

(a) Along with the first payment of Annual Rent, Lessee shall make a one-time payment to Landlord of half of the Annual Rent, to be held as a security deposit ("*Security Deposit*") The Security Deposit shall be deposited by Landlord into an interest bearing FDIC insured savings account at a United States bank, and all interest earned shall be paid to Lessee upon return of the Security Deposit. At such time as the Generating Facility becomes commercially operational, Lessee shall have the option to request that the Security Deposit be returned and replaced by a bond or bank guarantee with equivalent value or accept a site remediation bond placed with the County of _____ in lieu, provided that the bond with the County exceeds the Security Deposit amount, in a form acceptable to Landlord, with such acceptance not to be unreasonably withheld or delayed. As used herein, the term "commercially operational" shall mean that point in time when the construction of the Generating Facility is substantially completed and the Generating Facility is already producing electricity and loading it into the grid. Lessee's request for return of the Security Deposit shall be accompanied by reasonable supporting documentation showing that the above requirements have been satisfied. The Security Deposit shall be returned, with all interest earned, within ten (10) days of request from Lessee and approval of the replacement bond or bank guarantee by Landlord. Alternatively, Lessee may elect to keep the Security Deposit with Landlord and not obtain a bond or bank guarantee. Any bond or bank guarantee submitted to Landlord shall be for the duration of the Term and paid for in full for such period. If the Term is extended as provided for in this Agreement, Lessee shall obtain a new bond or guarantee on the same terms (and paid for in full) unless different terms are approved by Landlord, with such approval not to be unreasonably withheld or delayed.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Gestamp Asetym Solar
- APPLICATION NOS.:** Initial Study Application No. 6426 and Unclassified Conditional Use Permit Application No. 3334
- DESCRIPTION:** Allow a photovoltaic solar power generation facility with related improvements including a substation with an 80-foot tall electrical utility pole, a 30-foot tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.
- LOCATION:** The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven and a quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist.: 1) (APNos: 005-060-17S, 18S).

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed solar generating facility will consist of approximately 100,800 photovoltaic (PV) modules with a capacity of generating 20 megawatts alternating current (MW-AC) to be located on an approximately 196.99-acre site. 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.

DEVELOPMENT SERVICES DIVISION

The project would construct a series of PV module arrays mounted on either fixed-tilt or on single-axis tracker racking systems. The systems and PV module arrays will have an overall height of 15 feet.

Support facilities to be constructed include a substation (approximately two acres in size), an approximately 1,200 square foot operations and maintenance (O&M) building, an 80-foot tall electrical utility pole, a 30-foot tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, and six-foot tall chain-link perimeter fencing topped with barbed wire. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

The subject parcel is located in an agricultural area marked by relatively large parcel sizes and few residential land uses. The Third Lift Canal is adjacently located along the northern property line of the project site, the Second Lift Canal is located approximately one mile north of the project site, the Delta-Mendota Canal is located approximately one and a third mile to the north, and the San Luis Canal is located approximately six miles to the southwest. State Route 33 (Dos Palos Avenue) is located approximately five miles northeast of the project site, Interstate Highway 5 is located approximately seven and a half miles to the southwest, and the Eagle Field Airport is located approximately three miles to the northwest. The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

The proposed solar generation facility will have low visibility from the surrounding area. Apart from the proposed 80-foot tall and 30-foot tall electrical utility poles, there will be a 15-foot tall O&M building and the entire project site will be occupied with 15-foot tall PV module arrays and inverter buildings, and will be fenced off with six-foot tall chain-link fencing topped with barbed wire. Considering the location of the project site in a relatively undeveloped agricultural area comprised of large parcels sizes and low population density, the project will not damage any scenic resource or degrade the visual character of the site or its surroundings.

- 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:

This proposal will utilize motion-activated outdoor security lighting around the maintenance building and within the substation. As these 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. Additionally, headlights on vehicles utilizing the proposed parking lot also have the potential of generating new sources of light and glare in the area. However, such impacts will be less than significant considering that there will be up to three employees working at the site at any given time during regular operations.

With regard to site development, improvements will be constructed during a 12-month construction period. The presence of construction workers and the operation of construction equipment may also have the potential of generating new sources of light and glare in the

area; however, such impacts will be less than significant considering the temporary presence of such sources.

* **Mitigation Measure**

1. *All lighting shall be hooded and directed as to not 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:

This proposal is not in conflict with agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to applicable General Plan Policies. The project site is not located on forest land, is classified as Farmland of Statewide Importance on the Fresno County Important Farmland Map (2008), and is currently enrolled under Agricultural Land Conservation Contract Nos. 2043 and 2047. According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, Development Services Division, the proposed photovoltaic solar power generation facility is not a compatible use on property subject to Williamson Act Contract, unless a cancellation of the Contract has occurred. An application for partial cancellation of Contract Nos. 2043 and 2047 for the project site was filed by the Applicant in September 2011 and is in process. The Agricultural Land Conservation Committee heard the request for cancellation during their February 1, 2012 Meeting and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the subject proposal will be contingent upon approval of the partial cancellation of Contract Nos. 2043 and 2047 by the Board of Supervisors which would occur after final action on the subject land use application.

Supplemental project information (Item 1 through 10) prepared for the project in compliance of the "Solar Electrical Generation Facility Supplemental Information" (Supplemental Information) approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012 has been submitted by the applicant and reviewed by various agencies/departments.

According to Item 1 and Item 2 of the supplemental project information related to Agricultural History and Water Supply, and additional information provided by the Applicant, the project site has a water allocation from the Panoche Water District and has been predominately cultivated for cotton, with some cultivation of melons, onions, tomatoes and wheat. According to Item 4 of the supplemental project information, the soil composition at the project site is Tranquility-tranquility, wet, complex, saline-sodic.

The agricultural nature of the property may be impacted by the proposed development in two ways: 1) loss of farmland while the project site is being utilized for solar activities; and 2) impact on agricultural quality of the site.

Loss of farmland resulting from this project would be less than significant considering that the proposal will be conditionally limited to 35 years. Further, upon cessation of the proposed use at the end of the project's 35-year life, the site will be restored to a pre-development condition for farming operations. According to Item 6 of the applicant's supplemental project information related to Reclamation Plan and corresponding information contained in the specifics of the Reclamation Plan, at the termination of solar facility operations, all project structures and above-ground equipment along with associated site infrastructure including roads, fences, concrete pads, transformers will be removed from the site. Grading of the site will be conducted as necessary to return the site to pre-development condition. As part of the Site Reclamation Plan, an engineering cost estimate of reclaiming the site to its previous agricultural 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 the Reclamation Plan will require financial assurances equal to the cost of reclaiming the land to its previous agricultural condition based on the engineering cost estimate prepared for the project by Precision Civil Engineering, Inc.

The Fresno County Agricultural Commissioner's Office (Ag Commissioner) reviewed this proposal and acknowledged that the Applicant has provided a pest management plan, site reclamation plan, and has acknowledged the County's Right-to-Farm Ordinance.

Regarding impacts on agricultural quality of farmland, 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, in compliance of a mandatory requirement from the Ag Commissioner, a Project Note would require that any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the property owner/operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372. 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.

Considering that the subject parcel is not classified as prime farmland, and the temporary nature of the proposed use, the project site is suitable for the proposed solar power generation facility.

* **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 permits, 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 to an agricultural use 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 project operator shall utilize pest control professionals to keep the project site free of rodents at all times.
4. The project operator shall at all times keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard.

Review of the project by Fresno County Agricultural Commissioners' Office (Ag Commissioner) and other departments/agencies did not require Conservation Easement for the project as a method to protect agricultural land of equal or greater value as the land being converted to the proposed use. The proposed development is temporary in nature and the farmland it would occupy will be restored back to farming operations upon cessation of the use.

The State Department of Conservation (DOC) developed California Agricultural Land Evaluation and Site Assessment Model (LESA) which relies on soil source quality, project size, water resource availability, surrounding agricultural lands and surrounding protected resource lands to provide lead agencies with an optional methodology to assess conversion of prime farmland into a non-farmland was not utilized for this project. As discussed earlier, the proposed development will not be located on land classified as prime farmland and will not convert the project site permanently into a non-agricultural use (solar power generation facility). As such, impacts resulting from this proposal on the approximately 196.99-acre project site are limited in scope. Further, neither the Fresno County Agricultural Commissioner's Office (Ag Commissioner) nor any other reviewing agency expressed a need for LESA for the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the San Joaquin Valley Air Pollution Control District (Air District), this proposal is 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. Further, the Air District also requires submittal of an Air Impact Assessment (AIA) Application no later than applying for final discretionary approval, and payment of applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. Further, this proposal may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

An Air Impact Assessment (AIA) Application was prepared by Michael Brandman Associates and submitted by the Applicant to the Air District on March 16, 2011. According to the Air Quality Study provided to the Air District along with the AIA Application, the project's electricity generated would save approximately 16,500 tons of carbon dioxide (CO₂) emissions annually. The AIA was approved by the Air District on August 19, 2011.

The Air District has consistently required solar facility proposals to include monitoring and reporting schedules in the project approval. As such, this project shall adhere to the following mitigation measures:

* **Mitigation Measures**

1. *For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.*
2. *For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.*
3. *For each project phase, maintain records of total hours of operation for all construction equipment greater than 50 horsepower operated on site. Within 30 days of completing construction of each project phase, submit to the District a summary report of total hours of operation, by equipment type and horsepower.*

Compliance with Air District Rules will reduce air quality impacts of this proposal to a less than significant level.

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
- 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
- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located in an agricultural area and has been previously disturbed as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

A Biological Evaluation Report was prepared for this proposal by Bobby Kamansky of Kamansky's Ecological Consulting which determined that no sensitive species, sensitive habitats or potential jurisdictional wetlands are present within the project site. This Biological Evaluation Report was provided to the U.S. Fish and Wildlife Service (USFWS), which did not express any concerns related to the project. Additionally, this Biological Evaluation Report was also provided to the California Department of Fish and Game (CDFG), which did not express any concerns related to the project. However, the applicant has requested the following mitigation measures be included in order to avoid impacts to Swainson's hawk, burrowing owl, San Joaquin kit fox and nesting birds:

* **Mitigation Measures**

1. *The Applicant shall have a qualified Ornithologist survey the site during Hawk nesting*

season (March 1 – September 15) prior to project construction in accordance with the “Swainson’s Hawk Technical Advisory Committee’s Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys” dated 2000.

2. The applicant shall avoid construction activities within 0.5 mile of active Swainson’s hawk nests. If nesting Swainson hawks are detected within 0.5 mile of the project site, all construction activities within 0.5 mile of the nest shall be delayed and the California Department of Fish and Game (DFG) shall be contacted immediately to determine how to implement the project and avoid Take. If take cannot be avoided, acquisition of an Incidental Take Permit will be required to avoid a violation of California Endangered Species Act (CESA).
3. If active Swainson’s hawk nests are located within 10 miles of the project site, foraging habitat mitigation is required. The Applicant shall mitigate for the loss of foraging habitat as described in the DFG’s 1994 Staff Report Regarding Mitigation for Impacts to Swainson’s hawks (*Buteo swainsoni*) in the Central Valley of California. Mitigation shall be subject to DFG approval.
4. As a documented Swainson’s hawk nest is located within 10 miles of the project site, avoidance, minimization and mitigation measures described in the DFG’s 1994 Staff Report Regarding Mitigation for Impacts to Swainson’s hawks (*Buteo swainsoni*) in the Central Valley of California shall be implemented as a means to reduce impacts to less than significant levels.
5. Burrowing Owl (*Athene cunicularia*, BUOW) is a Species of Special Concern that has been documented in the vicinity of the project site. BUOW are known to forage in agricultural crops and fallow land and have the potential to den on or adjacent to the project site. If small mammal burrows or dens are present on or adjacent to the project site, the applicant shall follow the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation dated March 7, 2012 (CDFG 2012) in regard to methodology, avoidance buffers and mitigation measures.
6. No more than 30 days before starting project-related activities, the applicant shall implement the year 2011 “U.S. Fish and wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance” (Standardized Recommendations), found at http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/Documents/kitfox_standard_rec2011.pdf and are as follows:
 - a. Project-related vehicles will observe a 20-mile-per-hour speed limit in all project areas, except on county roads and state and federal highways; this is particularly important at night, when San Joaquin kit foxes are most active. To the greatest extent practicable, nighttime construction shall be minimized and nighttime speed limit shall be 10-miles-per-hour. Off-road traffic outside of designated project areas will be prohibited.
 - b. To prevent inadvertent entrapment of San Joaquin kit foxes during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet

deep will be covered at the close of each working day by plywood or similar materials or provided with 1 or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured San Joaquin kit fox is discovered, the procedures under Biological Mitigation numbers 5(h), 5(k), 5(l), and 5(m) shall be followed.

- c. San Joaquin Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for 1 or more overnight periods will be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside a pipe, then that section of pipe will not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.*
- d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction site.*
- e. No firearms will be allowed on the site.*
- f. To prevent harassment or mortality of San Joaquin kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the site.*
- g. The use of rodenticides and herbicides in the project area will be minimized to meet Fresno County's pest control objectives within an actively farmed landscape. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, and additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide or other compound approved by U.S. Fish and Wildlife Service shall be used to lower risk to kit fox.*
- h. The applicant will appoint a representative who will be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin kit fox or who finds a dead, injured, or entrapped individual. This representative will be identified during the employee education program. The representative's name and telephone number will be provided to the USFWS.*
- i. Prior to starting project-related activities, an employee education program shall be conducted for all persons working on the project site. The employee education program shall include training on all biological resources that may be found at the project site and the surrounding area, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, and a contact person in the event that protected biological resources are discovered at the project site. The employee education program shall also include a brief*

presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The employee education program shall also include the following in regard to San Joaquin Kit fox: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the ESA; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information shall be prepared for distribution to employees and anyone else who may enter the site.

- j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., will be recontoured, if necessary, and revegetated to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to revegetate such areas will be determined on a site-specific basis in consultation with the US Fish & Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) and revegetation experts.*
- k. In the case of trapped animals, escape ramps or structures will be installed immediately to allow the animal(s) to escape, or the US Fish & Wildlife Service (USFWS) will be contacted for advice.*
- l. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox will immediately report the incident to their representative. This representative will contact the CDFG immediately in the case of a dead, injured, or entrapped San Joaquin kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.*
- m. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6630. The CDFG contact is Mr. Craig Bailey at 1234 E. Shaw Avenue, Fresno, California 93710, at (559) 243-4014.*
- n. Habitat permeability for San Joaquin kit fox will be maintained by installing only permeable fences. To enable kit foxes and other wildlife to pass through the project site after construction, the perimeter fences shall be raised five (5) to seven (7) inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. Electrified fences shall be prohibited. Slatted fencing shall be prohibited so that there is no appearance of a visual barrier to San Joaquin Kit fox, to possibly eliminate the need for a State Incidental Take Permit for project-related incidental take of San Joaquin Kit fox, and to reduce impacts to less than significant levels.*

- o. Within 30-days of construction, a pre-construction survey (concurrently with Burrowing owl survey) shall be conducted by a qualified biologist to locate and identify potential dens, known dens and natal dens, on the project site, and minimize and avoid impacts to such dens in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" and avoid take. The project site shall be resurveyed in the event ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey. If San Joaquin Kit Fox dens are identified, exclusion zones shall be established in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011". If take of San Joaquin kit fox is unavoidable, the acquisition of a State Incidental Take Permit would be warranted, and permits from the U.S. Fish and Wildlife Service may also be needed.*
- p. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location where the kit fox was observed should also be provided to the service at: Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620 or (916) 414-6600*
- 7. If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified biologist shall conduct surveys of the project site to determine the location of bird nests. If project activities are delayed or suspended for more than 30 days during the breeding season the area shall be resurveyed. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half mile around nests of listed species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds, and 150 feet around other bird species. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.*
- 8. Vertical tubes such as solar mounts and chain-link fencing poles can result in the entrapment and death of a variety of bird species. All hollow solar mount poles and fence poles shall be capped at the time they are installed to prevent the entrapment and death of birds.*
- 9. Permeable areas of the project site shall be planted with a non-invasive native seed mixture to provide cover for species traversing or otherwise using the project site. Vegetation shall be managed to reduce fire risk, in accordance with Fresno County Fire Protection District requirements, in order to avoid fuel build-up on-site. Live traps for pest rodent control shall be sized to prevent inadvertent trapping of San Joaquin kit fox.*
- 10. For the protection of special status species, construction shall be limited to daylight hours only, and artificial nighttime lighting on the project site shall be shielded and directed downward since artificial nighttime lighting can alter foraging, migration and*

breeding behaviors of special status species and increase their potential susceptibility to predation.

The project site does not contain any drainage features under the jurisdiction of the Army Corps of Engineers, California Department of Fish and Game or Regional Water Quality Control Board, isolated wetland features or vernal pools. The project will not have adverse effect on federally protected wetlands as defined by Section 404 of the Clear Water Act through direct removal, filling, hydrological interruption, or other means and will not require regulatory permits for impacts to drainage features. The project will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state 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 site is not located within proximity of any area designated to be highly sensitive for archeological resources. However, in the event that cultural resources are unearthed during grading or construction, 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 of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a level of insignificance.

* **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 Zone 3 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 Zone 3 Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No significant grading activities are expected from the development of this project which would 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. According to the Reclamation Plan prepared by the applicant in compliance with the Ten-Point Solar Facilities Guidelines approved by the Fresno County Board of Supervisors on May 3, 2011, upon decommissioning of the project, grading of the site will be conducted as necessary to return the site to a pre-development 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; or

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, 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:

This proposal entails the installation of an on-site sewage disposal system which will serve the proposed Operations and Maintenance (O&M) building. This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns with the project in regard to soils or wastewater disposal.

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 related to greenhouse gas emissions. Additionally, compliance with Air District Rules discussed in Section III.E of this analysis will reduce air quality impacts of the subject proposal to a less than significant level.

An Air Impact Assessment (AIA) Application was prepared by Michael Brandman Associates and submitted by the Applicant to the Air District on March 16, 2011. According to the Air Quality Study provided to the Air District along with the AIA Application, the project's electricity generated would save approximately 16,500 tons of carbon dioxide (CO₂) emissions annually. The AIA was approved by the Air District on August 19, 2011.

Compliance with Air District Rules will reduce air quality impacts of the subject project to a less than significant level.

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 emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicant's Operational Statement, the project will utilize some hazardous materials during construction and on-going maintenance of the facility which includes insulating oil, lubricating oil, solvents/detergents, and gasoline. According to the Fresno

County Department of Public Health, Environmental Health Division, the applicant shall be required to: 1) prior to occupancy, 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; 4) should any underground storage tank(s) be found during the project, the applicant shall obtain an Underground Storage Tank Removal Permit; 5) 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; and 6) prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil and any such oil found, should be removed from the well prior to placement of fill material for destruction and be handled in accordance with federal, state and local government requirements. These requirements will be included as Project Notes.

Impact of pesticides on construction and operational crew from prior farming operations on the property is not a concern and will not require an Environmental Site Assessment (ESA) for the project. This proposal is similar in nature to uses such as wineries, fruit packing facilities, etc. that have been established on farmland in Fresno County. No oil or gas wells were identified on the property by any reviewing agency and therefore no such hazard exists on the site for workers.

The project is not within one-quarter mile of a school.

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

FINDING: NO IMPACT:

The project does not sit on a hazardous materials site.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Eagle Field Airport is located approximately three miles northwest of the project site. Considering this distance, no significant adverse impacts are expected from this proposal.

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

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: NO IMPACT:

The project site is not located within a wildland area.

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.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Operational Statement provided by the applicant, water for project operations may either be obtained from an on-site well, from the Panoche Water District under a Municipal and Industrial (M&I) Permit, or be transported to the site in water trucks. Further, bottled water will be provided to employees for potable water. There may be up to 100,000 gallons of water utilized to wash the solar panels each year. This proposal was reviewed by the Water/Geology/and 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 as the subject parcel is not located in a water short area, and the amount of water to be utilized for washing solar panels is below the threshold which would require groundwater analysis.

The Fresno County Department of Public Health, Environmental Health Division, reviewed this proposal and indicated that in the case where an on-site office is 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. 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; or

FINDING: NO IMPACT:

No streams or rivers are located near the project 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed development 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 roads 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.

Development Engineering Section of the Department of Public Works and Planning reviewed the project and indicates that: 1) any additional stormwater run-off generated by the proposed development cannot be drained across property lines and must be retained on-site per County Standards; 2) an Engineered Grading and Drainage Plan will be required to show how additional stormwater run-off generated by the proposal development will be handled without adversely impacting adjacent properties; and 3) a Grading Permit or Voucher will be required for any grading proposed with this application. These mandatory requirements will be included as Project Notes.

- F. Would the project otherwise substantially degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A & B. above.

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

FINDING: NO IMPACT:

No additional housing is proposed with this project.

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

FINDING: NO IMPACT:

The project site is not within the FEMA 100-year flood hazard area, and therefore no such impacts were identified in the project analysis.

- 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; or

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agriculture in the Fresno County General Plan. Provisions for certain non-agricultural uses such as the proposed use have been provided for in the Fresno County Zoning Ordinance and General Plan. Policy LU-A.3 of the General Plan provides that electrical power generation facilities may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.

With regard to Criteria "a", the proposed use will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area. With regard to Criteria "b", loss of farmland resulting from this project would be less than significant considering that the proposal will be conditionally limited to 35 years. Further, upon cessation of the proposed use at the end of the project's 35-year life, the site will be restored to a pre-development condition for farming operations. With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area, and the amount of water to be utilized for washing

solar panels is below the threshold which would require groundwater analysis. With regard to Criteria "d", the project site is located approximately seven and a quarter miles southwest of the nearest city limits of the City of Firebaugh, which has the ability to provide an adequate workforce. Therefore, the proposed use is conditionally compatible with the Agriculture General Plan designation.

Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses, Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations, and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. Further, the "Solar Electrical Generation Facility Supplemental Information" approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012 require measures to create a buffer between proposed solar facilities and adjacent agricultural operations. In this instance, the entire 196.99-acre project site will be fenced for security purposes and to separate the use from farming operations on adjacent properties. Further, the proposed solar panels will be setback approximately 150 feet from the northern property line, 40 feet from the southern property line, 171 feet from the eastern property line, and 139 feet from the western property line. Additionally, the project site will be restored to an agricultural use after the proposed 35 years of solar power generation in accordance with the Applicant's Reclamation Plan.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division, reviewed this proposal and did not identify any potential noise-related impacts. However, the project will be subject to conformance with 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: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section VIII. E. F.

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:

Fresno County Fire Protection District (CalFire) review of the project did not identify any concerns with the proposal. The project will comply with 2007 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 by the County. This will be included as a Project Note and will be addressed through Site Plan Review recommended as a Condition of Approval.

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

FINDING: NO IMPACT:

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 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Access to the project site will be from Nees Avenue via a proposed 30-foot wide access easement. According to the Applicant's Operational Statement, the construction of the project is expected to last approximately 12 months. Operational staff will conduct panel washing and general maintenance, and are estimated to generate 12 one-way trips per day (6 round trips per day).

The Design Division of the Fresno County Department of Public Works and Planning reviewed this proposal 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; or

FINDING: NO IMPACT:

This proposal 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Access to the project site will be from Nees Avenue via a proposed 30-foot wide access easement.

This proposal was reviewed by the Design Division, the Road Maintenance and Operations Division, and the Development Engineering Section of the Fresno County Department of Public Works and Planning. None of these reviewing agencies identified any concerns with respect to increased traffic hazards or emergency access.

- 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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- 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; or

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Construction of the project may impact sensitive biological and cultural resources. Included Mitigation Measures in Section IV A. B. C. D. E. F. and Section V. A. B. C. D. will minimize such impacts to less than significant.

- B. Does the project have impacts that are individually limited, but cumulatively considerable; or

FINDING: LESS THAN SIGNIFICANT 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, and Cultural Resources which will be addressed with the mitigation measures discussed in Section I. D., Section II. A. B. C. D. E., 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 project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3334, 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 mineral resources, population and housing, and recreation.

Potential impacts related to geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant. Potential impacts relating to aesthetics, agricultural and forestry resources, air quality, biological resources, and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration/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.

DC
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3300-3399\3334\CUP3334_Initial Study_REVISED.doc

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

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SACRAMENTO OFFICE

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RACHAEL E. KOSS
ROBYN C. PURCHIA
ELLEN L. TRESKOTT

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

June 18, 2012

Via U.S. Mail and Facsimile

Mr. John Navarrette
Administrative Officer
Fresno County
2220 Tulare Street, 6th floor
Fresno, CA 93721
Fax: (559) 262-4879

RECEIVED
COUNTY OF FRESNO

JUN 18 2012

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Ms. Bernice E. Seidel
Clerk of the Board
Fresno County
Hall of Records - Room 301
2281 Tulare St.
Fresno, CA 93721
Fax: (559) 488-1878

Re: CEQA and Public Records Act Request – CUP 3334
Photovoltaic Solar Power Generation Facility with Related
Improvements, Application No. 6426

Dear Mr. Navarrette and Ms. Seidel:

We are writing on behalf of the California Unions for Reliable Energy (“CURE”) to request *immediate access* to any and all public documents in Fresno County’s (“County”) possession or control regarding CUP 3334, a Photovoltaic Solar Power Generation Facility with Related Improvements, Application No. 6426, State Clearinghouse No. 2012061034 (“Project”). Our request includes, but is not limited to:

1. Any and all materials referenced or relied upon in the Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared for the Project; and

Mr. John Navarrette
Ms. Bernice E. Seidel
June 18, 2012
Page 2

2. Any and all correspondence, resolutions, memos, notes, analysis, electronic mail messages, files, maps, charts, and/or any other documents by, to, or from Fresno County Staff and/or the Applicant, any other landowners/applicants and/or any other party or agency referring to or relating to the Project.

Our request for all materials referenced or relied upon in the IS/MND is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period.¹

This request is also made pursuant to the California Public Records Act.² We request the above documents pursuant to section 6253(a) of the Public Records Act. This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a constitutional right of access to information concerning the conduct of the government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

If any of the requested items are available on the Internet, we request that the County direct us to the appropriate site for accessing the documents. Pursuant to Government Code section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into chunks of 10 MB or less), please email them to me as attachments.

My contact information is:

U.S. Mail

Janet Laurain
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

¹ See Pub. Resources Code, § 21092, subd. (b)(1); 14 Cal. Code Reg. § 15087, subd. (c)(5).

² Gov. Code, §§ 6250, et seq.

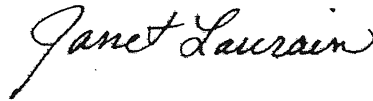
Mr. John Navarrette
Ms. Bernice E. Seidel
June 18, 2012
Page 3

Email

jlaurain@adamsbroadwell.com

Please call me if you have any questions. Thank you for your assistance with this matter.

Sincerely,

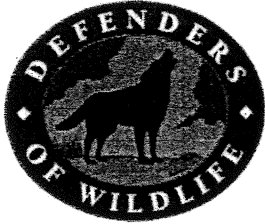
A handwritten signature in cursive script that reads "Janet Laurain".

Janet Laurain
Environmental Paralegal

JML:vs

Via Email

cc: Derek Chambers, dchambers@co.fresno.ca.us



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COUNTY OF FRESNO

JUL 11 2012

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

California Program Office
1303 J Street, Suite 270
Sacramento, CA 95814
Telephone 916-313-5800
Fax 916-313-5812
www.defenders.org/california

July 11, 2012

Derek Chambers, Planner
Fresno County Development Services Division, Current Planning Unit
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Delivered via email to dchambers@co.fresno.ca.us

RE: Gestamp Oro Loma IV Solar Project – Initial Study Application No. 6426 and Unclassified Condition Use Permit Application No. 3334

Dear Mr. Chambers:

Thank you for the opportunity to comment on the Gestamp Oro Loma IV Solar project (Project). These comments are submitted on behalf of Defenders of Wildlife (Defenders) and our more than one million members and supporters in the United States, 200,000 of which reside in California.

Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Defenders strongly supports the emission reduction goals found in the Global Warming Solutions Act of 2006 (AB 32), including the development of renewable energy in California. However, we urge that in seeking to meet our renewable energy portfolio standard in California, project proponents design their projects in the most sustainable manner possible. This is essential to ensure that project approval moves forward expeditiously and in a manner that does not sacrifice our fragile landscapes, prime agricultural lands and wildlife in the rush to meet our renewable energy goals.

As we transition toward a clean energy future, it is imperative for our future and the future of our wild places and wildlife that we strike a balance between addressing the near term impact of industrial-scale solar development with the long-term impacts of climate change on our biological diversity, fish and wildlife habitat, natural landscapes, and productive prime agricultural lands.

The proposed Project would be a substantial 197± acre photovoltaic (PV) solar power plant with approximately 20 megawatt generating

capacity. The proposed Project would be sited on the north side of Nees Avenue between Russell and Millux Avenues and is located 7.25 miles west of the City of Firebaugh, in an unincorporated portion of western Fresno County. The proposed Project site is irrigated farmland classified as Farmland of Statewide Importance. Melons, cotton, tomatoes, wheat and cotton seed have been grown on the property in the past ten years.

These comments are in response to the Fresno County's proposed Initial Study and Mitigated Negative Declaration (IS/MND). Defenders has reviewed the June 13, 2012 IS/MND and California Dept. of Fish and Game's (DFG) July 10, 2012 comment letter (attached) on the IS/MND. The proposed Project is located on cultivated farmland and many of the expected impacts to biological resources have been addressed through the inclusion of the proposed mitigation measures. Defenders supports and requests inclusion of DFG's recommendations to the proposed mitigation measures. Within inclusion of DFG's recommendations, Defenders finds the proposed Project to be a supportable project.

We truly appreciate all of your hard work on this project and the responsiveness of the applicant and your department to our comments. If you have any questions, please contact me at (530) 902-1615 or via email at kate@kgconsulting.net.

Respectfully submitted,



Kate Kelly
Project Manager

Cc: Francisco Sanchez, Gestamp Solar
Esteban Nuñez, Gestamp Solar
Chris Motta, Fresno County Development Services
Thomas Leeman, USFWS
Bill Condon, CDFG
Julie Vance, CDFG
Lori Bono, CDFG
Billie Blanchard, CPUC



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



July 10, 2012

Derek Chambers
Planner
Current Planning Unit
Development Services Division
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, California 93721

Subject: Oro Loma IV Solar Project Notice of Intent to Adopt a Mitigated Negative Declaration for Initial Study Application Number 6426 and Unclassified Conditional Use Permit Application Number 3334 (State Clearinghouse Number 2012061034).

Dear Mr. Chambers:

The Department of Fish and Game (Department) has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) and Initial Study (IS) and Unclassified Conditional Use Permit (UCUP) Application submitted by Fresno County for the Oro Loma IV Solar Project (Project). Project approval would allow the construction and operation of a photovoltaic (PV) facility, access roads, electrical interconnections and operation and maintenance facility in Fresno County. The 20-megawatt (MW) Project would be located on 196.99 acres of agricultural land between Russell Avenue and North Millux Avenue, immediately south of the Third Lift Canal and north of West Nees Avenue. The Department has reviewed the proposed Mitigated Negative Declaration and Initial Study for the Project and our comments follow.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could potentially impact plant, fish and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Authority: The Department has regulatory authority over projects that could result in "take" of any species listed or is a candidate for listing by the State (State-listed) as threatened or endangered, pursuant to the California Endangered Species Act (CESA). If the Project could result in the take of any State-listed species, the Project developer could be

Conserving California's Wildlife Since 1870

Derek Chambers
July 10, 2012
Page 2

warranted to apply for an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). A CEQA Lead Agency's SOC would not eliminate the Project proponent's obligation to comply with CESA.

Bird Protection: The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs) and 3513 (regarding unlawful take of any migratory nongame bird).

Potential Impacts and Recommendations

Swainson's Hawk: The Project is located approximately 1.25 miles from a documented Swainson's hawk (*Buteo swainsoni*, SWHA) nest; SWHA is a State threatened species (CNDDDB 2012). Additional SWHA nest sites have been documented within 5 miles of the Project site (CNDDDB 2012). Therefore, the Department agrees with the Lead Agency's requirement that a qualified ornithologist conduct a survey for nesting SWHA within a 0.5-mile buffer around the Project site, before starting any Project-related activities, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). We also agree with the Lead Agency's requirement that the Project applicant consult with the Department in the event that SWHA is detected and that active SWHA nests be buffered from Project-related activities by at least 0.5 mile during the nesting season to reduce the potential for take of SWHA. If take cannot be avoided, acquisition of an ITP would be warranted in advance of Project implementation for Project-related incidental take of SWHA.

Since SWHA has been documented within a 10-mile radius of the site, the Department also recommends that the avoidance, minimization and mitigation measures described in the Department *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (CDFG 1994) be implemented as a means to reduce impacts to less than significant levels.

San Joaquin Kit Fox: The Department agrees with the Lead Agency's requirement that the developer follow the United States Fish and Wildlife Service's (USFWS) *Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011). However, the Department recommends the Lead Agency require the developer implement the USFWS protocol no more than 30 days before starting Project-related activities likely to impact San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF). If Project-related activities are delayed or suspended for more than 30 days the area should be resurveyed. If SJKF dens are identified, exclusion zones should be established in accordance with the USFWS protocol. If avoidance of dens is infeasible, acquisition of an ITP for San Joaquin kit fox would be warranted.

Burrowing Owl: The burrowing owl (*Athene cunicularia*, BUOW), which the Department has designated as a Species of Special Concern, has been documented within the vicinity of the Project site (CNDDDB 2012). BUOW are known to forage in agricultural crops and fallow land and have the potential to den on or adjacent to the Project site. If small mammal burrows or dens are present on or adjacent to the Project site, the Department recommends the Lead Agency require the developer follow the recently updated Staff Report on Burrowing Owl Mitigation dated March 7, 2012 (CDFG 2012), in regards to methodology, avoidance buffers and mitigation for the Project.

Mitigation measures 4a to 4c in the CEQA document do not reflect changes included in the updated staff report (CDFG 2012). The Department recommends the Lead Agency revise the CEQA document to be consistent with the changes in the updated staff report. The CDFG 2012 staff report can be found on our website at www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf.

Raptors and Migratory Birds: For the protection of raptors and migratory song birds and to assist in avoiding take of avian species as required by Fish and Game Code sections 3503, 3503.5 and 3513, if Project-related activities will occur during the breeding season (February through mid-September), the Department recommends the Lead Agency require surveys be conducted by a qualified biologist immediately prior to the beginning of any Project-related activity likely to impact raptors and migratory song birds. If Project activities are delayed or suspended for more than 30 days during the breeding season the area should be resurveyed. The Department agrees with the Lead Agency's requirement that if raptors and migratory song birds are identified and Project-related activities must occur during the nesting season, a minimum no-disturbance buffer from all Project-related activities be delineated for 0.5 mile around nests of listed raptor species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds and 150 feet around nests of all other bird species. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

The Department agrees with the Lead Agency's requirement that all hollow vertical tubes such as solar mount poles and chain link fencing poles be permanently capped at the time they are installed to prevent the entrapment and death of birds.

Project Fencing and Vegetation Management: The Department agrees with the Lead Agency's requirement that all fencing installed on the Project not be electrified and have a five- to seven-inch separation between the bottom of the fence and the ground and that the entire fence and the bottom of the fence edges be wrapped back to form a smooth edge to remove the restriction of wildlife movement through the Project. The Department also recommends the Lead Agency require that slats not be installed in any Project fencing for the following reasons: to avoid the appearance of a visual barrier to SJKF, to possibly eliminate the need for an ITP for Project-related incidental take of SJKF and to reduce impacts to less than significant levels. Another wildlife-friendly fence design that has proven feasible for similar solar projects is

standard deer fencing installed upside-down so that the larger mesh openings are at ground level. With stranded wire at the top, this design typically meets security requirements while not impeding most wildlife movement and access to habitat under the panels.

In addition, the Department recommends that the ground within solar panel arrays remains vegetated so that it may provide some wildlife habitat value.

Site Plan: The Project site plan shows the location of the access road originating from Nees Avenue, traversing north on private property and ending at the southwest corner of the Project site. However, the CEQA document states that the access road will be located along the northern side of the Project site, from Russell Avenue to Brannon Avenue, along the southern side of the Third Lift Canal. The Department requests clarification on the location of the access road.

The Project site plan also shows the temporary staging area and access road to be located outside of the designated Project site. These areas were not included in the CEQA document's Project description, and it is unclear whether the impacts at the staging area were analyzed. The Department recommends the Lead Agency revise the CEQA document to include the temporary staging area and access road as part of the Project description and disclose any potential impacts associated with them.

General Species Protection: For the protection of special status species, the Department recommends the Lead Agency require that construction be limited to daylight hours only and that artificial nighttime lighting on the Project site be shielded, directed downward and minimized at night, since artificial night lighting can alter foraging, migration and breeding behaviors of special status species and increase their potential susceptibility to predation.

Cumulative Impacts: The Department recommends the Lead Agency complete analyses that consider the cumulative effects on wildlife from this Project and any other solar projects or other proposed development projects that are located in the vicinity. These studies would determine whether cumulative effects of the Project are likely to result in additional substantial impacts to these species and provide a basis for determining any proposed mitigation measures that would need to be included in the CEQA document for this Project to reduce impacts to less than significant levels.

Environmental Training Program: The Department agrees with the Lead Agency's requirement that an environmental training for SJKF will be provided to all persons working on the Project site. However, the Department recommends the Lead Agency require environmental training be provided to all persons working on the Project site prior to the initiation of Project-related activities and training materials and briefings include all the biological resources that may be found at the Project site and their surrounding areas, the laws and regulations that protect those resources, the consequences of non-compliance with these laws and regulations and a contact person in the event that protected biological resources are discovered on the Project site.

Derek Chambers
July 10, 2012
Page 5

If you have any questions regarding these comments, please contact Lori Bono, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 350.

Sincerely,



for Jeffrey R. Single, Ph.D.
Regional Manager

cc: Thomas Leeman
United States Fish and Wildlife Service
2800 Cottage Way, Room W-2805
Sacramento, California 95825-1846

ec: Bill Condon
Julie Vance
Department of Fish and Game

Derek Chambers
July 10, 2012
Page 6

Literature Cited

CDFG. 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFG. 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. Report available at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf

CNDDDB. 2012. California Natural Diversity Database. Department of Fish and Game, Sacramento, California.

SWHA TAC. 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

USFWS. 2011. Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service, Sacramento, California.



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AUG 01 2011

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

California Program Office
1303 J Street, Suite 270
Sacramento, CA 95814
Telephone 916-313-5800
Fax 916-313-5812
www.defenders.org/california

August 1, 2011

Derek Chambers, Planner
Fresno County Development Services Division, Current Planning Unit
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Delivered via email to dchambers@co.fresno.ca.us
Hard copy to follow via USPS

RE: Gestamp Oro Loma IV Solar Project – Initial Study Application No. 6426 and Unclassified Condition Use Permit Application No. 3334

Dear Mr. Chambers:

Thank you for the opportunity to comment on the Gestamp Oro Loma IV Solar project (Project). These comments are submitted on behalf of Defenders of Wildlife (Defenders) and our more than one million members and supporters in the United States, 200,000 of which reside in California.

Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Defenders strongly supports the emission reduction goals found in the Global Warming Solutions Act of 2006 (AB 32), including the development of renewable energy in California. However, we urge that in seeking to meet our renewable energy portfolio standard in California, project proponents design their projects in the most sustainable manner possible. This is essential to ensure that project approval moves forward expeditiously and in a manner that does not sacrifice our fragile landscapes, prime agricultural lands and wildlife in the rush to meet our renewable energy goals.

As we transition toward a clean energy future, it is imperative for our future and the future of our wild places and wildlife that we strike a balance between addressing the near term impact of industrial-scale solar development with the long-term impacts of climate change on our biological diversity, fish and wildlife habitat, natural landscapes, and productive prime agricultural lands.

The proposed Project would be a substantial photovoltaic (PV) solar power plant with approximately 20 megawatt generating capacity. The Project would be located on roughly 167 acres west of the City of

Firebaugh, in an unincorporated portion of western Fresno County (County).

We understand the County is reviewing the application to permit this Project and is also reviewing for potential environmental effects as part of its preparation of an Initial Study. Based upon the materials submitted by the applicant, the project site appears viable and to meet Defenders' criteria for a "lower" impact project site. We applaud the applicant for seeking lands with potentially lower value habitat.

However, these lands do hold the potential for important habitat and, at a minimum, a threshold biological study should be prepared to identify potential impacts to important biological resources. Threshold biological studies should be a minimum requirement for all applications for solar projects located on farmland including fallow farmlands. Without that information the applicant, planning staff, responsible agencies, the public and decision makers cannot adequately assess the potential for impacts to biological resources.

Defenders looks to support projects which are sited on low value habitat and agricultural lands. However, we are not able to support this project until we review a threshold biological report for this project site and can base our recommendation on current information. We believe that producing a threshold biological report is a "best practice" for these projects, provides a credible basis for drawing a conclusion regarding impacts, and serves to identify any potential biological issues early in the process when they may be able to be resolved more easily. Thus, we request that a threshold biological report is included as part the materials required for the application to be deemed "complete."

We look forward to reviewing the Initial Study and request to be notified when it is available.

Thank you once again for the opportunity to provide comments on the Patriot Solar project and for considering our comments. If you have any questions, please contact Kate Kelly at (530) 902-1615 or via email at kate@kgconsulting.net.

Respectfully submitted,



Kim Delfino
California Program Director

Cc: Francisco Sanchez, Gestamp Solar LLC
Thomas Leeman, USFWS
Lisa Gymer, CDFG
Justin Sloan, CDFG
Craig Bailey, CDFG

EXHIBIT 6



Inter Office Memo

DATE: August 7, 2014

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12450 – FIRST ONE-YEAR TIME EXTENTION
FOR INITIAL STUDY APPLICATION NO. 6426 and UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3334

APPLICANT: Gestamp Asetym Solar

OWNER: Michael and Irene Matson Trustees

REQUEST: Grant a first one-year time extension to exercise
Unclassified Conditional Use Permit Application No. 3334
which authorizes a photovoltaic solar power generation
facility with related improvements, including a substation
with an 80-foot-tall electrical utility pole, a 30-foot-tall
electrical utility pole, 20 approximately 160 square-foot
inverter/transformer buildings, a 1,200 square-foot
maintenance building, and a six-foot-tall chain-link fence
on a 196.99-acre site in the AE-20 (Exclusive Agriculture,
20-acre minimum parcel size) Zone District. The
proposed facility will connect to an existing 115kv PG&E
electrical distribution line adjacently located at the
northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees
Avenue, between Russell and Millux Avenues,
approximately seven and one-quarter miles southwest of
the nearest city limits of the City of Firebaugh (Sup. Dist.:
1) (APNs: 005-060-17S, 18S).

PLANNING COMMISSION ACTION:

At its hearing of August 7, 2014, the Commission, as part of its Consent Agenda, considered the Staff Report and determined that the requested one-year time extension was warranted.

A motion was then made by Commissioner Rocca and seconded by Commissioner Borba to approve the requested one-year time extension for Unclassified Conditional Use Permit Application No. 3334.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 1 August 7, 2014

SUBJECT: Initial Study Application No. 6426 and Unclassified Conditional Use Permit Application No. 3334 – Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit Application No. 3334 which authorizes a photovoltaic solar power generation facility with related improvements, including a substation with an 80-foot-tall electrical utility pole, a 30-foot-tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot-tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven and one-quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist.: 1) (APNs: 005-060-17S, 18S).

Applicant: Gestamp Asetym Solar
Owner: Michael and Irene Matson Trustees

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3334; 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 July 26, 2012
5. Applicant's correspondence requesting a first one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration prepared for Initial Study No. 6426 was approved by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Unclassified Conditional Use Permit Application No. 3334 on July 26, 2012.

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 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to five property owners within 1,320 feet of the subject property, exceeding the 300-foot 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 type of project.

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4), one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the permit.

Unclassified Conditional Use Permit Application No. 3334 was approved by the Planning Commission on July 26, 2012 and became effective 15 days later. The Applicant filed the current time extension request on April 15, 2014, within the time limit noted above. If this first time extension request is granted, the Applicant will have until July 26, 2015 to achieve substantial development of the photovoltaic solar power generation facility.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) Application No. 3334 was originally approved on July 26, 2012, concurrently with Initial Study (IS) Application No. 6426, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 4) documenting the Conditions imposed on the project.

According to the Applicant's correspondence (email) requesting a one-year time extension, additional time is needed to finalize contracts with Pacific Gas and Electric Company (PG&E) for the sale of electricity to be generated by the subject solar power generation facility. Staff notes that the subject solar power generation facility has not yet been constructed.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. 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 Unclassified Conditional Use Permit as originally approved.

The current time extension request was routed to the same agencies that reviewed this project on July 15, 2011. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3334 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to July 26, 2015.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3334; and
- Direct the Secretary to prepare a Resolution documenting the Commission's Action.

Alternative Motion (denial action)

- Move to deny the first one-year Time Extension request for Unclassified Conditional Use Permit Application No. 3334 (state reasons for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

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EXHIBIT 7



Inter Office Memo

DATE: October 8, 2015

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12524 – SECOND ONE-YEAR TIME EXTENSION FOR UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3334

APPLICANT: Solar Frontier Americas

OWNER: Michael and Irene Matson, Trustees

REQUEST: Grant a second one-year time extension to exercise Unclassified Conditional Use Permit No. 3334 which authorizes a photovoltaic solar power generation facility with related improvements, including a substation with an 80-foot-tall electrical utility pole, a 30-foot-tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot-tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven and one-quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist. 1) (APNs 005-060-17S, 18S).

PLANNING COMMISSION ACTION:

At its hearing of October 8, 2015, the Commission, as part of its Consent Agenda, considered the Staff Report and determined that the requested one-year time extension was warranted.

A motion was then made by Commissioner Borba and seconded by Commissioner Rocca to approve the requested one-year time extension for Unclassified Conditional Use Permit No. 3334.

RESOLUTION # 12524

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Rocca, Abrahamian, Batth, Egan, Mendes, Woolf, Zadourian
No: None
Absent: Commissioner Lawson
Abstain: None

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By:



William M. Kettler, Manager
Development Services Division

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NOTE: Approval of this time extension will extend the expiration date of Unclassified Conditional Use Permit No. 3334 to July 26, 2016. The approval of this project will expire one year from this date unless a determination is made that substantial development has occurred. If circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a second extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 1 October 8, 2015

SUBJECT: Initial Study No. 6426 and Unclassified Conditional Use Permit No. 3334 – Second One-Year Time Extension

Grant a second one-year time extension to exercise Unclassified Conditional Use Permit No. 3334 which authorizes a photovoltaic solar power generation facility with related improvements, including a substation with an 80-foot-tall electrical utility pole, a 30-foot-tall electrical utility pole, 20 approximately 160 square-foot inverter/transformer buildings, a 1,200 square-foot maintenance building, and a six-foot-tall chain-link fence on a 196.99-acre site in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The proposed facility will connect to an existing 115kv PG&E electrical distribution line adjacently located at the northeast corner of the project site.

LOCATION: The project site is located on the north side of Nees Avenue, between Russell and Millux Avenues, approximately seven and one-quarter miles southwest of the nearest city limits of the City of Firebaugh (Sup. Dist. 1) (APNs 005-060-17S, 18S).

OWNER: Michael and Irene Matson Trustees
APPLICANT: Solar Frontier Americas

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a second one-year Time Extension for Unclassified Conditional Use Permit No. 3334; 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. Applicant's correspondence requesting a second one-year Time Extension
5. Planning Commission Resolution and Staff Report dated July 26, 2012
6. Planning Commission Resolution and Staff Report dated August 7, 2014

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 6426 was approved by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Unclassified Conditional Use Permit Application No. 3334 on July 26, 2012.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to five property owners within 1,320 feet of the subject property, exceeding the 300-foot 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 type of project.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four

(4), one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the permit.

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

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit Application No. 3334 was approved by the Planning Commission on July 26, 2012 and became effective 15 days later. The Applicant filed their first one-year time extension request on April 15, 2014, which was approved by the Planning Commission on August 7, 2014. The approval of the first time extension request resulted in a new CUP expiration date of July 26, 2015.

The Applicant filed this second one-year Time Extension request on July 7, 2015, within the time limit noted above. If this second Time Extension request is granted, the Applicant will have until July 26, 2016 to achieve substantial development of the photovoltaic solar power generation facility.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) Application No. 3334 was originally approved on July 26, 2012, concurrently with Initial Study (IS) Application No. 6426, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 5) documenting the Conditions imposed on the project. Subsequently, on August 7, 2014, a one-year time extension was granted which resulted in a CUP expiration date of July 26, 2015. Attached is a copy of the Planning Commission's Resolution (Exhibit 6) documenting approval of the first one-year time extension.

According to the Applicant's correspondence (email) requesting a second one-year Time Extension (Exhibit 4), additional time is needed to finalize contracts with Pacific Gas and Electric Company (PG&E) for the sale of electricity to be generated by the subject solar power generation facility. Staff notes that the subject solar power generation facility has not yet been constructed.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. 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 Unclassified Conditional Use Permit as originally approved.

The current time extension request was routed to the same agencies that reviewed this project on July 15, 2011. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the second one-year Time Extension for Unclassified Conditional Use Permit No. 3334 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to July 26, 2016.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the second one-year Time Extension for Unclassified Conditional Use Permit No. 3334; and
- Direct the Secretary to prepare a Resolution documenting the Commission's Action.

Alternative Motion (Denial Action)

- Move to deny the second one-year Time Extension request for Unclassified Conditional Use Permit No. 3334 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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