



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 February 18, 2016

SUBJECT: Initial Study Application No. 7053 and Unclassified Conditional Use Permit Application No. 3518

Allow modification of a photovoltaic solar power generation facility with related improvements authorized by Unclassified Conditional Use Permit No. 3295 on two parcels totaling 320 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues approximately one mile east of Fresno-Coalinga Road (State Route 145) and 3.3 miles southwest of the unincorporated community of Five Points (SUP. DIST. 4) (APNs 060-042-16S; 060-042-17S).

OWNER/APPLICANT: Jess Melin/Whitney Point Solar, LLC

STAFF CONTACT: Ejaz Ahmad, Planner
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RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7053; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3518 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Applicant's Operational Statement, including Additional Information from PG&E
7. Solar Facility Guidelines Supplemental Information, including Applicant's Reclamation Plan
8. Summary of Initial Study Application No. 7053
9. Planning Commission Resolution and Staff Report for CUP 3295
10. Draft Mitigated Negative Declaration

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	320 acres	No change
Project Site	Vacant; currently unfarmed CUP No. 3295 approved a photovoltaic solar power generation facility on the subject two parcels totaling 320 acres	Modify CUP No. 3295 approved to allow a photovoltaic solar power generation facility on two parcels totaling 320 acres in the AE-20 Zone District to eliminate two operation and maintenance (O&M) buildings, two gravel parking and construction laydown areas (12 acres apiece; one on each 160-acre project site) and add a Pacific Gas and Electric (PG&E) switchyard on a five-acre portion of the southerly 160-acre parcel. Additionally, the project requires re-adjustment of solar arrays, interior roads,

Criteria	Existing	Proposed
		site ingress and egress, ponding basins, Westlands Water District well easements, and increase in pole height along a one-mile length of Westside gen-tie line.
Structural Improvements	None	Pacific Gas and Electric (PG&E) switchyard including a 110-foot-tall telecommunication tower
Nearest Residence	4,636 feet west of the site	No change
Surrounding Development	Farmland; a photovoltaic (PV) solar power generation facility	No change
Operational Features	Fallowed land or dry-irrigated field crops	See "Project Site" above
Employees	None	No permanent employees on site during operation
Customers	None	None
Traffic Trips	No regular traffic	Estimated 20 truck trips per day (round trips) and 137 passenger vehicle trips per day (round trips) during 9 months of construction (No change from CUP 3295) Infrequent traffic associated with maintenance activities during operation
Lighting	None	Hooded motion-activated outdoor security lighting around the project site and PG&E switchyard
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 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: January 15, 2016

A comment letter on the Initial Study and Mitigated Negative Declaration (IS/MND) prepared for this project was received on February 8, 2016 from Adams Broadwell Joseph & Cardozo, Attorneys at Law, writing on behalf of Fresno County Citizens for Responsible Solar and California Unions for Reliable Energy (CURE). The assertion from their letter is that the IS/MND prepared for this project fails to comply with CEQA requirements and that an Environmental Impact Report should be prepared. Specific impacts they claim are not adequately addressed are air quality, public health, and biological resources. Staff has reviewed their letter and documentation and does not agree with their conclusion and reaffirms that the IS/MND prepared for this project is the appropriate level of documentation under CEQA, and was prepared in compliance with CEQA regulations and guidelines.

They assert that the air quality analysis was “flawed” due to improperly relying on future compliance with local air district rules and not applying an appropriate significance threshold. The analysis actually used San Joaquin Valley Air Pollution Control District (SJVAPCD) quantitative significance thresholds and the Applicant prepared an Air Impact Assessment (AIA) that was accepted by SJVAPCD, the local authority on air quality.

Their second assertion is that there is new information related to public health impacts from Valley Fever. Fresno County Environmental Health did not identify this as a potential issue. Valley Fever was properly identified in the Valley as early as 1991 by the Centers for Disease Control (CDC), well before the 2011 approval of CUP 3295, initially approving a solar facility on this site. Any assertion of new information on this is erroneous.

Their third assumption is that biological impacts have not been adequately addressed and claim new information is available since 2011 to assert this claim. Their assertion fails to recognize that the project site has an approved project (CUP 3295), and as such, is the baseline for assessing impacts. No new information has come forward identifying new impacts or changes in circumstances warranting new mitigation beyond what was approved under CUP 3295.

A CD copy of the Adams Broadwell Joseph & Cardozo letter and their attachments was provided to the Planning Commission in advance.

PUBLIC NOTICE:

Notices were sent to seven (7) property owners within one quarter-mile (1,320 feet) of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance. Adams Broadwell Joseph & Cardozo, Attorneys at Law, were also notified of the project by email and mail as requested by them on January 13, 2016.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) No. 3295 approved in 2011 authorized a photovoltaic solar power generation facility on two 160-acre parcels (totaling 320 acres) consisting of approximately 214,800 ground-mounted photovoltaic (PV) modules with a capacity of generating 40 megawatts of alternating current (MV-AC). Related improvements included two 20,000 square-foot operation and maintenance (O&M) buildings, two 23,650 square-foot plant switchyards, 50,000-gallon water storage tanks, on-site storm water retention basins, and parking. A recently approved time extension for CUP No. 3295 has allowed the project until July 21, 2016 to start construction.

The subject proposal will modify CUP No. 3295 by eliminating O&M buildings, two gravel parking and construction laydown areas measuring approximately 12 acres apiece (one on each 160-acre site) and add a Pacific Gas and Electric (PG&E) switch yard on a five-acre portion of the southerly 160-acre parcel. Other changes include readjustment of solar arrays, interior roads, site ingress and egress, ponding basins, and Westlands Water District well easements and higher utility poles along a Westside gen-tie line. An estimated 20 MV of electricity will be produced on a 160-acre northerly parcel (Westside Solar) and 20 MV of electricity will be produced on a 160-acre southerly parcel (Whitney Point Solar). All electricity produced on the subject properties will be delivered to PG&E's existing regional transmission network.

Buildings and structures for the subject proposal include photovoltaic (PV) solar module arrays (85,434 modules for Westside Solar and 84,376 modules for Whitney Point Solar) with related equipment, a series of inverters, two power distribution centers housed in 15-foot-tall pre-fab structures (PV substations), a PG&E switchyard with single-story buildings including a 110-foot-tall telecommunications tower and transmission poles 85 to 100 feet in height, and a six- to eight-foot-tall perimeter security fence. The PV solar module arrays are to be mounted onto single-axis tracker systems facing due south. The tracker panels would be arranged in rows and be approximately five (5) feet in height when in a horizontal position and up to eight (8) feet in height when in a pitched position.

A new gen-tie transmission line would be constructed to deliver electricity from the 160-acre northerly parcel. The subject 70kV overhead tie-line will run approximately one mile along Paige Avenue and will connect to Schindler-Coalinga # 2 line to the west of the proposal. Approximately 14 poles, up to 85 feet in height, will be added along the length of the gen-tie-line. A five-acre switchyard will be constructed for PG&E on the 160-acre southerly parcel to deliver the electricity being produced.

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 50-foot buffer for photovoltaic projects	Front (Paige Avenue; North property line): over 50 feet Street Side (Lake Avenue; west property line): over 50 feet Side (east property line): over 50 feet Rear (Jeffrey Avenue, south property line): over 50 feet	Yes
Parking	None	Limited parking for part-time employees adjacent to the proposed substations	N/A
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	Chain link fence around perimeter of facility	Yes
Septic Replacement Area	100 percent	None required	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: All proposed improvements including fences exceeding six feet in height shall require a building permit.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional runoff generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards. An Engineered Grading and Drainage Plan may be required to show how additional water runoff generated by the proposed improvements will be handled without adversely impacting adjacent properties. A grading permit or voucher shall be required for any grading proposed with this application. These comments are included as Project Notes.

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

Analysis:

The project's Site Plan indicates that the proposed solar panels would be set back from the surrounding property lines 50 feet at minimum on all four sides of the project site property, in conformance with the County's Solar Facility Guidelines. The minimum required setbacks for the AE-20 Zone District are 35 feet from the front property line and 20 feet from the side and rear property lines. Since the project does not involve permanent employees, limited parking for part-time employees will be provided adjacent to the proposed substations. Adherence to a Site Plan Review (SPR), which has been required as a Condition of Approval, will ensure compliance with the setback requirements. Conditions of the SPR may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

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

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	Paige Avenue, Lake Avenue, Jeffrey Avenue	N/A
Public Road Frontage	Yes	N/A	N/A
Direct Access to Public Road	Yes	N/A	N/A
Road ADT		N/A	N/A
Road Classification		N/A; Private roads	N/A
Road Width		Unknown	No change
Road Surface		Unpaved	No change
Traffic Trips		N/A	Estimated 20 truck trips per day (round trips) and 137 passenger vehicle trips per day (round trips) during 9

		Existing Conditions	Proposed Operation
			months of construction (No change from CUP 3295) Infrequent traffic associated with maintenance activities during operation
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the California Department of Transportation or Design Division of the Fresno County Department of Public Works and Planning.
Road Improvements Required		N/A; Private roads	No change

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

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The proposed 30-foot-wide public road access easement from Fresno-Coalinga Road (State Route 145) to the site should be gravel or require dust palliative to prevent the creation of dust by vehicles during construction of the project. This requirement is included as a Condition of Approval

Design Division of the Fresno County Department of Public Works and Planning: No traffic-related concerns with the proposal and no Traffic Impact Study (TIS) required.

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

Analysis:

Access to the project site will be from Fresno-Coalinga Road (State Route 145) via a 30-foot-wide proposed public road access easement along Paige Avenue. Paige Avenue connects to S. Lake Avenue along the site’s westerly boundary. Access to the site will be from Lake Avenue. All roads are private, and therefore not maintained by the County.

Staff notes that vehicular traffic in the area will be increased during the time of construction; however, this increase will be temporary. The anticipated number of workers and deliveries through the nine-month construction schedule include 133 construction personnel trips and 10 delivery truck trips in and 14 construction personnel trips and 10 delivery truck trips out of each 160-acre site during morning peak hours. These numbers will reverse in the afternoon peak hours. The total commute trips to and from the site in the morning and afternoon peak hours would be 157 per day. During operation of the facility, up to two security or maintenance personnel will visit the site to perform required routine functions. For periodic cleaning of the photovoltaic panels, up to four personnel over a period of 10 days will visit the site.

No concerns regarding the project impact on County roadways were expressed by the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning. Likewise, no concerns were expressed by the California Department of Transportation regarding impact on State Route 145 (Fresno-Coalinga Road).

Based on the above information and with adherence to the Condition of Approval described above, staff believes that the surrounding streets and highways serving the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	160 acres	Farmland	AE-20	4,636 feet west of the site
South	160 acres	Farmland	AE-20	None
East	80 acres; 160 acres	Farmland and PG&E PV solar facility on 160 acres	AE-20	None
West	309 acres 280 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

Westlands Water District: The project site is within the District’s service area and is entitled to receive water from the District’s Municipal and Industrial (M&I) supply through the District’s Central Valley Project (CVP) contract subject to the Regulations and Terms and Conditions established by the District for M&I use. The District will make available up to 5 (five) acre-feet per 160 acres annually for construction and operation of the proposed solar facility via current delivery points located on each 160-acre parcel. The Applicant shall request and receive an exemption from the Compliance Agreement between the District and the State Water Resources Control Board (SWRCB), Department of Drinking Water, that restricts the District’s ability to provide M&I service to non-resident facilities. If an exemption is granted by SWRCB, signs shall be posted at all outlets where human contact may occur indicating that the water delivered by the District is non-potable. The Applicant shall provide bottled water and/or potable water for consumption at the project site with documentation provided to the District. The Applicant must comply with the District’s Backflow Prevention regulations for water system connections.

California Department of Fish and Wildlife (CDFW): CDFW concerns regarding biological resources outlined in a letter dated May 14, 2015 and provided as comments for the time extension of CUP 3295 shall remain valid for the changes proposed by the subject amendment. The letter identified areas of concern regarding biological resources and suggested measures for mitigating these concerns.

United States Fish and Wildlife Service (USFWS): If kit fox are present on site during construction, there is potential for take to occur through mortality, harassment or harm. In order to minimize the likelihood of this occurrence, the avoidance and minimization measures found in the 2011 *Standardized Recommendation for Protection of Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be implemented. Perimeter fencing shall be permeable to allow for unobstructed kit fox movement. Any take that could occur as a result of the proposed project (including primary and/or secondary poisoning of kit fox) shall require consultation with USFWS.

The County has determined that there are no new impacts to biological resources from CUP 3295 and therefore no additional mitigation measures are required beyond what was required for CUP 3295. This is further discussed in Exhibit 8 Summary of Initial Study No. 7053.

San Joaquin Valley Unified Air Pollution Control District (Air District): The project shall be subject to 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); and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). (Note: The District reviewed AIA Application and the Air Impact Analysis filed by the Applicant and confirmed the project compliance with the District Rule 9510).

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. In an effort to protect groundwater, all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Health Department prior to commencement of work.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans, permits and inspections are required for all structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal if not owned, constructed and operated under the authority of the California Public Utilities Commission (CPUC).

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to United States Geological Survey (USGS) Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved Site Plans shall be

required to be approved by the Fire District prior to issuance of building permits by the County.

The aforementioned requirements are included as Project Notes.

Fresno County Department of Agriculture (Agricultural Commissioner's Office); Policy Planning and Water/Geology/Natural Resources Sections of the Fresno County Department of Public Works and Planning; Regional Water Quality Control Board, Central Valley Region; California Department of Transportation: No concerns with the proposal.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The subject proposal will amend CUP 3295 approved in July 2011 to allow a 40-megawatt solar power generation facility on two contiguous parcels totaling 320 acres. The approved project consist of ground-mounted photovoltaic (PV) modules, operation and maintenance (O&M) buildings, plant switchyards, water storage tanks, on-site storm water retention basins, and parking. The changes proposed by this application (CUP 3518) involve elimination of O&M buildings, two gravel parking and construction laydown areas measuring approximately 12 acres apiece (one on each 160-acre site) and addition of a Pacific Gas and Electric (PG&E) switch yard on a five-acre portion of the southerly 160-acre parcel. Other changes include readjustment of solar arrays, interior roads, site ingress and egress, ponding basins, Westlands Water District well easements, and increase in pole height along a one-mile length of the Westside gen-tie line.

The entire 320-acre project site consists of disturbed farmland previously used for agricultural production and contains no structures. CUP 3295 authorized the use of this property for a non-farming use and the requirements from that approval still apply. This project (CUP 3518) is only altering the existing project as previously described, thereby not increasing any impacts to farmland or natural habitats. Adjacent parcels to the north, south, east and west are also farmland with a portion of the easterly parcel containing a photovoltaic (PV) solar power generation facility. The nearest single-family residence is approximately 4,636 feet west of the site.

The loss of farmland resulting from this project would be less than significant in that the proposal will be located on land that has been previously approved for a non-farming use. As background, the site consists of disturbed farmland with soil of a quality that is not considered significant under the State Department of Conservation's Land Evaluation and Site Assessment (LESA) Model. Further, the site is not designated as Prime Farmland on the State of California's Important Farmland Map and will be restored to a pre-development condition for farming operations based on the project's Reclamation Plan upon cessation of the proposed use (estimated 25 years). The improvements proposed by this application (PG&E switch yard, reconfiguration of site improvements) will cause no additional change to agricultural land. All improvements proposed will be confined within the 320-acre project site. Likewise, higher poles (up to 85 feet in height) along the Westside gen-tie alignment would not cause any agricultural land conversion.

The improvements proposed by the subject proposal will have relatively low visibility from the surrounding area. Apart from the new utility poles to connect the facility to PG&E's electrical distribution system, a 110-foot-tall telecommunications tower at the PG&E substation, and 15-foot-tall pre-fab structures, a majority of the project site will be occupied with racking systems

and photovoltaic (PV) module arrays that will have an overall height up to eight (8) feet. Considering the relatively low visibility of the facility improvements, staff believes the proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.

An Initial Study prepared for the project has identified a potential impact to aesthetics, agricultural and forestry resources, and cultural resources. To mitigate aesthetic impact, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. In regard to agricultural and forestry resources, the project will adhere to the requirements of the Reclamation Plan and Rodent and Weed Control Plans. In regard to cultural resources, any cultural resources or human remains discovered during ground-disturbance activities will require all work to be stopped and findings be evaluated by an archeologist. These requirements are included as Mitigation Measures (Exhibit 1).

Potential impacts related to air quality, biological resources, geology and soils, hazards and hazardous material, hydrology and water quality, and public services are considered to be less than significant. The Applicant will be required to comply with Air District Rules; submit a Grading and Drainage Plan to ensure that the proposed development will not result in drainage patterns that could adversely affect surrounding properties; obtain a Grading Permit/Voucher; use, handle and store hazardous materials and/or wastes according to the requirements set forth in the California Health and Safety Code; receive water from Westlands Water District for construction and maintenance of the facility; and obtain Fresno County Fire Protection District's approval prior to the issuance of building permits and occupancy. Potential impacts on biological resources are also considered to be less than significant. The approved project (CUP 3295) involves improvements (panels, structures, roads, parking area, detention basins) occupying the total 320-acre project site. Rearranged site improvements, as proposed by this application, including improvements within five (5) acres of PG&E switch yard resulting from the subject application would not substantially alter the habitat value from the approved facilities. The higher poles proposed (85 feet in height) and communication tower (110 feet in height) would also not affect habitat value of the approved alignment or significantly alter the aesthetics of the area.

Based on the above information, and with adherence to the Mitigation Measures noted above, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities,	With regard to Criteria "a", the subject property has an already approved permit to allow for a solar facility. As assessed under CUP 3295, the subject proposal will operate

Relevant Policies:	Consistency/Considerations:
<p>including certain non-agricultural uses, subject to the following Criteria: a) The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c) The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter-mile radius; and</p> <p>d) A probable workforce should be located nearby or be readily available.</p>	<p>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”, the project site has been fallow or dry-farmed in the last nine years due to a lack of water for irrigation. Further, the site will be restored to pre-development condition upon secession of solar operations in 25 to 30 years. With regard to Criteria “c”, this proposal is not located in a water-short area and will not utilize groundwater. With regard to Criteria “d”, the unincorporated community of Five Points is approximately 3.3 miles northeast of the project site and has the ability to provide an adequate workforce for construction or decommissioning of the project.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agriculture land and that mitigation be required where appropriate.</p>	<p>The “Solar Facility Guidelines” (Supplemental Information) approved by the Fresno County Board of Supervisors on May 3, 2011 and revised on May 21, 2013 require measures to create a buffer between proposed solar facilities and adjacent agricultural operations. The proposed solar power generation facility will have a six- to eight-foot-tall perimeter security fencing, and all structures will maintain a minimum 50-foot setback from the outer boundaries of the project site. Additionally, the site will be restored to an agricultural use after the proposed 25 to 30 years of solar power generation in accordance with the Applicant’s Reclamation Plan.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning expressed no water-related concerns with the proposal. The facility is entitled to receive Municipal & Industrial (M&I) water for construction and maintenance provided by Westlands Water District. The proposal is consistent with this Policy.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit provided that they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities 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 is required where appropriate. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project. The subject property is not subject to an Agricultural Land Conservation Contract.

Analysis:

As discussed above in General Plan consistency/consideration, the subject Use Permit application meets the intent of Policy LU-A.3. In regard to consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the subject solar power generation facility will be fenced off to provide separation between the facility and the adjacent lands, all structures will maintain a minimum 50-foot setback from the outer boundaries of the project site, and the site will be restored to an agricultural use after the proposed 25 to 30 years of solar power generation in accordance with the Applicant’s Reclamation Plan. In regard to consistency with Policy PF-C.17, the facility is not located in a water-short area and is entitled to receive Municipal and Industrial (M&I) water for construction and maintenance provided by Westlands Water District, thereby having no impact on groundwater resources.

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:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends the approval of Unclassified Conditional Use Permit No. 3518, 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. 7053; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3518, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3518; 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.

EA: al

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EXHIBIT 1

Mitigation Monitoring and Reporting Program Initial Study Application No. 7053/Unclassified Conditional Use Permit Application No. 3518 (Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; for duration of project
*2.	Agriculture and Forestry Resources	The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any construction permits, 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 to run with the land, requiring the site to be restored to an agricultural use at the cessation of operation.	Applicant	Applicant/PW&P	As noted
*3.	Agricultural and Forestry Resources	The project shall comply with the Integrated Pest Management Plan for Rodent Control and Integrated Pest Management Plan for Noxious Weed Control provided by the Applicant on October 19, 2015 in order to control weeds and rodents on the property that may impact adjacent properties.	Applicant	Applicant/Agriculture Commissioner's Office	As noted
*4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing 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 ground-disturbing activity, 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

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

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. All Conditions of Conditional Use Permit No. 3295 shall remain in full force and effect except where superseded by this application or by current Federal, State or local regulations.
3. The life of this Land Use permit will expire upon expiration of the initial life of the solar lease or the 25 to 30 years initial life of the project described in the project decommissioning and site restoration plan. If the solar lease is to be extended or the initial life of the project extends beyond this proposal, approval of a new land use permit shall be required.
4. The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Department of Public Works and Planning.
5. Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
6. The proposed 30-foot-wide public road access easement from Fresno-Coalinga Road (State Route 145) to the project site shall be gravel or require dust palliative to prevent the creation of dust by vehicles during construction of the project.
7. The project shall adhere to the setbacks shown on the Site Plan (a minimum of a 50 foot setback shall be maintained from all property lines).

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. This Unclassified Conditional Use Permit shall become void, unless there has been substantial development within two years of the effective date of approval.
2. Plans, permits and inspections are required for all structures including but not limited to accessible elements and site development based upon the codes in effect at the time of plan check submittal if not owned, constructed and operated under the authority of the CPUC. Permits shall also be required for all proposed improvements including fences exceeding six (6) feet in height. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 for permits and inspections.

Notes

According to Westlands Water District:

- The project site is within the District's service area and is entitled to receive water from the District's Municipal and Industrial (M&I) supply through the District's Central Valley Project (CVP) contract subject to the Regulations and Terms and Conditions established by the District for M&I use.
- The District will make available up to 5 (five) acre-feet per 160 acres annually for construction and operation of proposed solar facility via current delivery points located one on each 160-acre parcel.
- The Applicant shall request and receive an exemption from the Compliance Agreement between the District and the State Water Resources Control Board (SWRCB), Department of Drinking Water, that restricts the District's ability to provide Municipal and Industrial (M&I) service to non-resident facilities.
- If an exemption is granted by SWRCB, Department of Drinking Water, signs shall be posted at all outlets where human contact may occur indicating that the water delivered by the District is non-potable.
- The Applicant shall provide bottled water and/or potable water for consumption at the project site with documentation provided to the District.
- The Applicant must comply with the District's Backflow Prevention regulations for water system connections.

4. According to the Fresno County Department of Public Health, Environmental Health Division:

- Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
- In an effort to protect groundwater, all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor.
- For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Health Department prior to commencement of work.

5. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:

- Any additional runoff generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards.
- An Engineered Grading and Drainage Plan may be required to show how additional water runoff generated by the proposed improvements will be handled without adversely impacting adjacent properties.
- A Grading Permit or Voucher shall be required for any grading proposed with this application.
- According to United States Geological Survey (USGS) Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel.

Notes

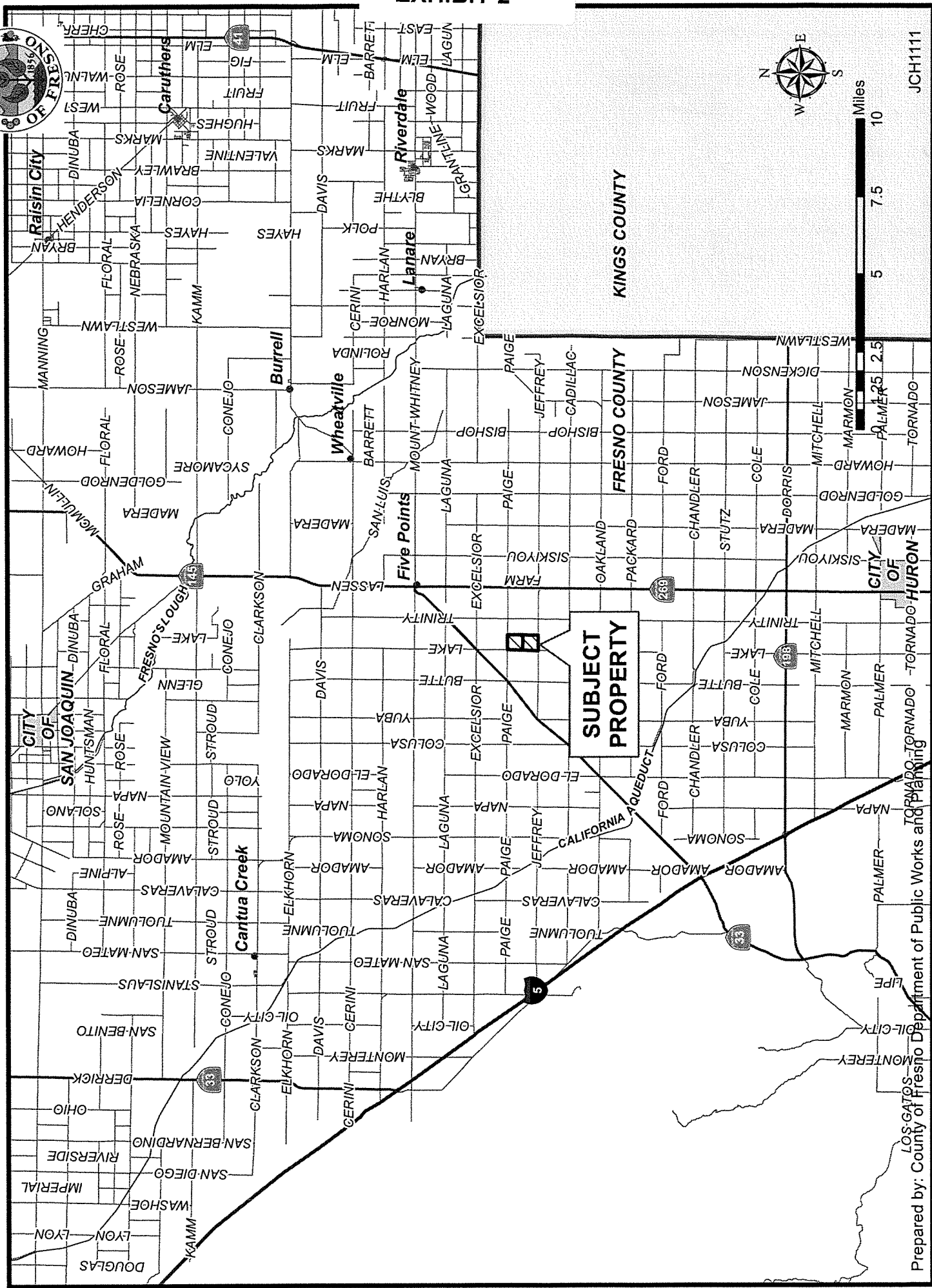
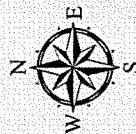
6.	According to the San Joaquin Valley Unified Air Pollution Control District (Air District), the project shall be subject to District Regulation VIII (Fugitive Dust Rules); to address impacts related to PM-10, Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
7.	The proposal 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 Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use.

EA: ksn

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LOCATION MAP

CUP 3518



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

JCH1111

CUP 3518
STR 9 - 18/17

EXISTING ZONING MAP

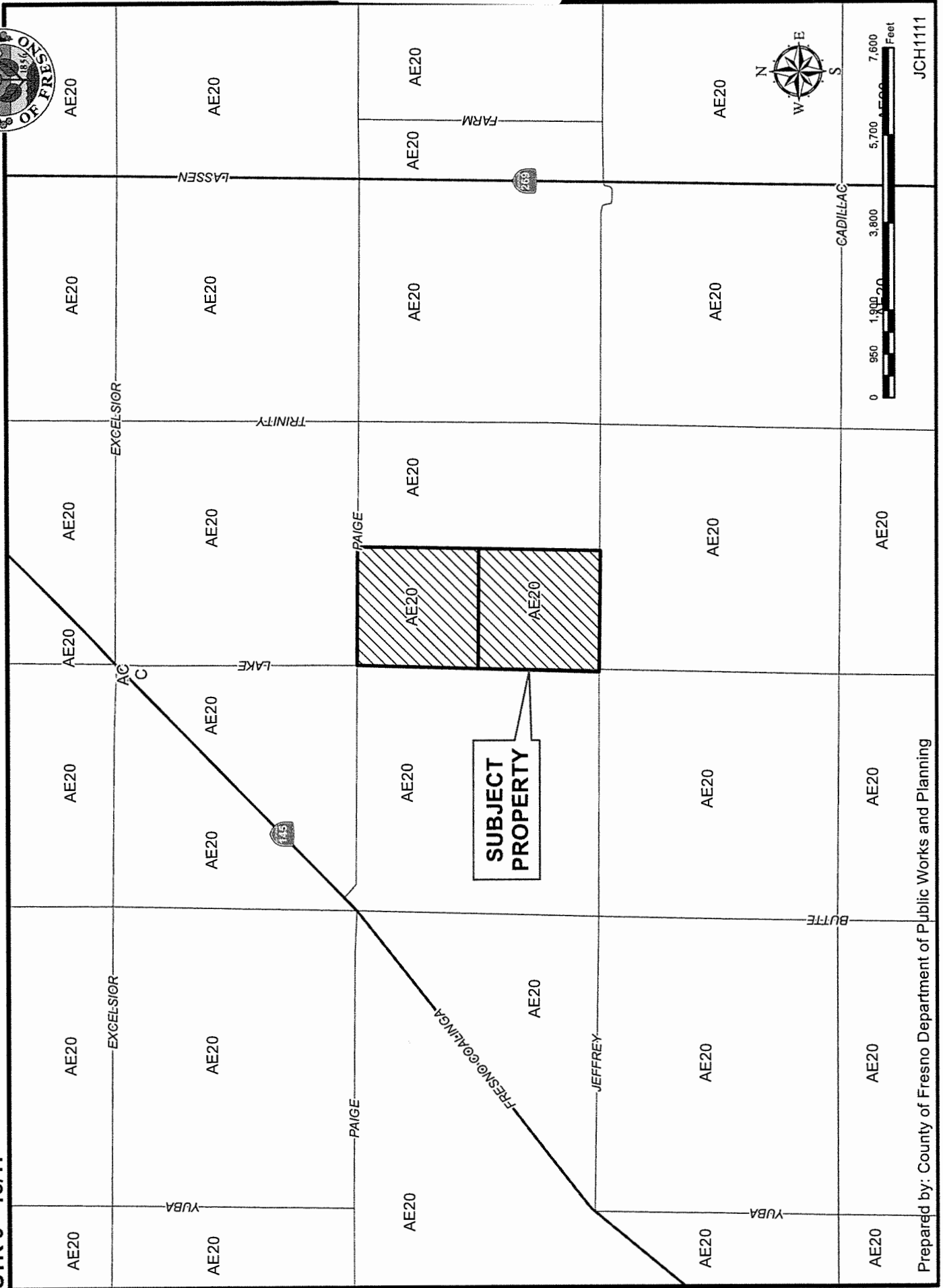
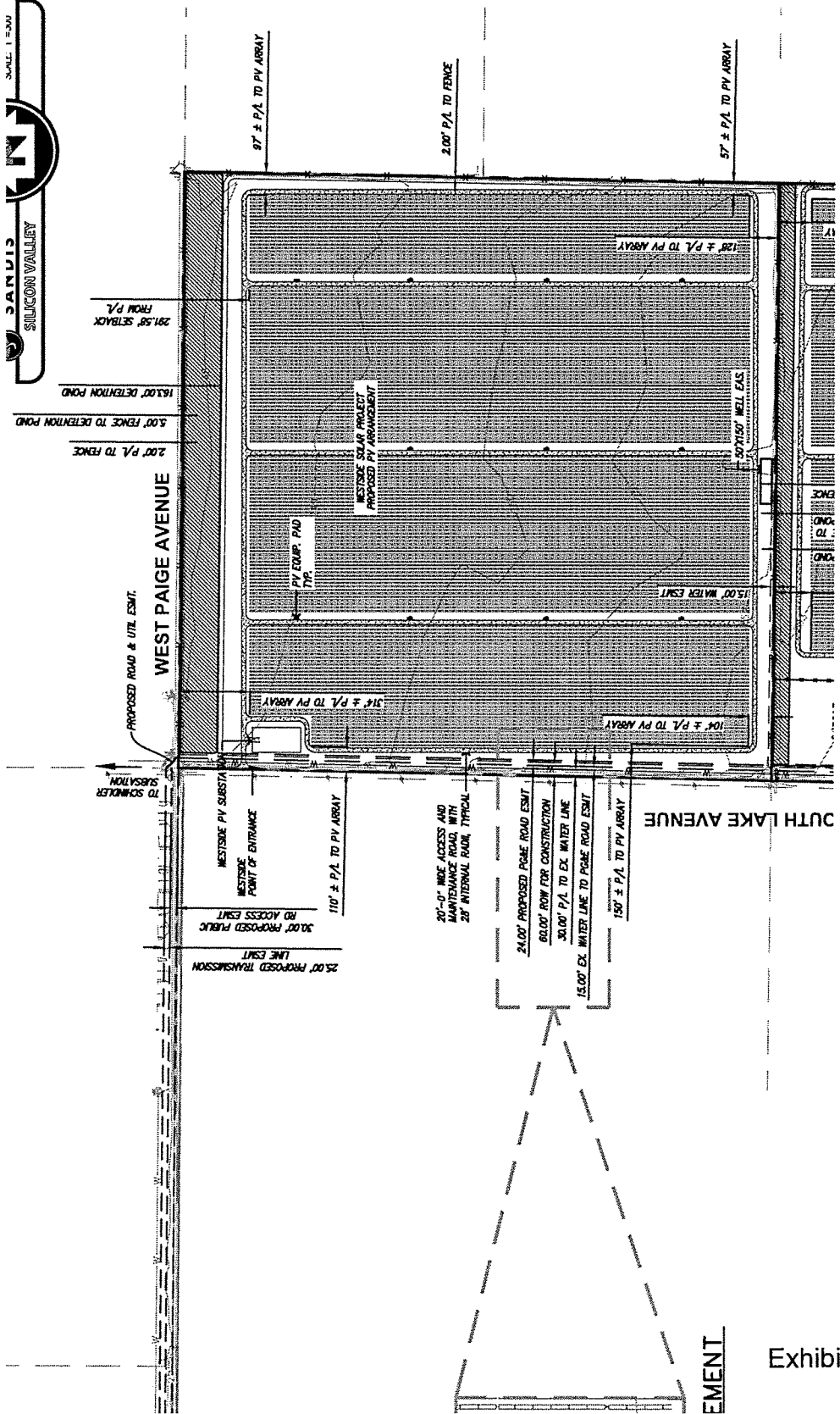


EXHIBIT 5




 SANDIS SILICON VALLEY
 11000 UNIVERSITY AVENUE, SUITE 100
 SAN JOSE, CA 95128
 (408) 948-3000
 C-10 LIC. NO. 114637

THESE DRAWINGS AND SPECIFICATIONS HAVE BEEN PREPARED BY CUPERTINO ELECTRIC, INC. FOR THEIR CLIENT, SANDIS SILICON VALLEY. THE DRAWINGS ARE THE PROPERTY OF CUPERTINO ELECTRIC, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CUPERTINO ELECTRIC, INC. THE PROFESSIONAL ENGINEERS ACT OF THE STATE OF CALIFORNIA.


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 SILICON VALLEY TRIVALLEY CENTRAL SACRAMENTO EAST BAY SF

DATE: _____, 2015
 PROJECT TITLE: WESTSIDE & WHITNEY POINT PV SOLAR PLANT
 KENNETH N. OLDOTT
 R.C.E. NO. 91079, EXPIRES 9-30-17

PROJECT SITE

EMENT



CUPERTINO ELECTRIC
1125 NORTH 7TH STREET
SUNNYVALE, CA 95088
C-10 (REV. 11/07)



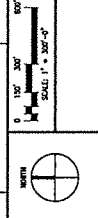
PRELIMINARY
NOTE: PRELIMINARY DRAWINGS SHALL BE USED FOR REFERENCE ONLY.

SANDIS CIVIL SERVICES
SUNNYVALE, CALIFORNIA
SUNNYVALE, CALIFORNIA
DATE: 11/23/18

PROJECT TITLE
WESTSIDE & WHITNEY POINT PV SOLAR PLANT

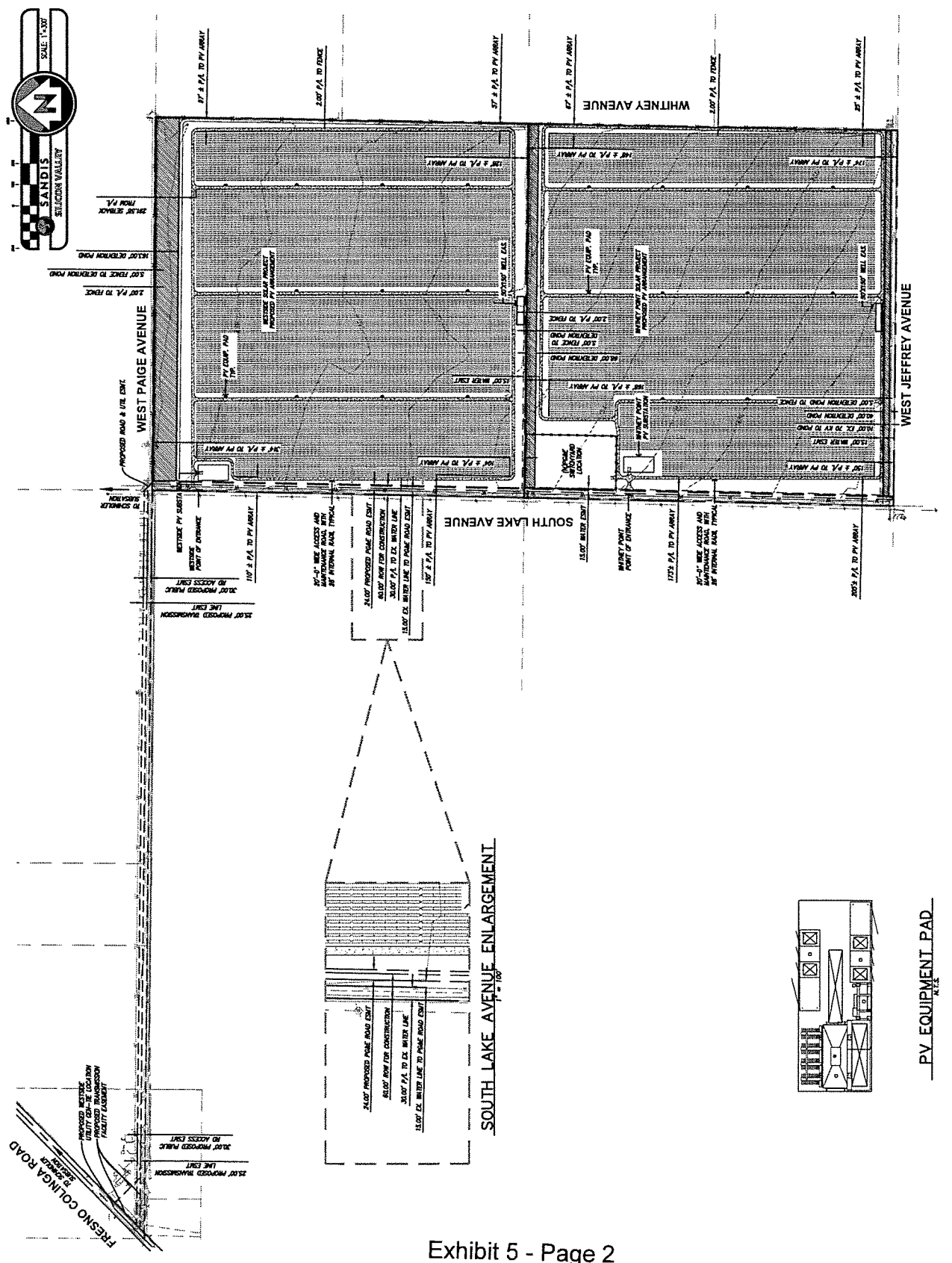
PROJECT SITE
FIVE POINTS, CA 93624

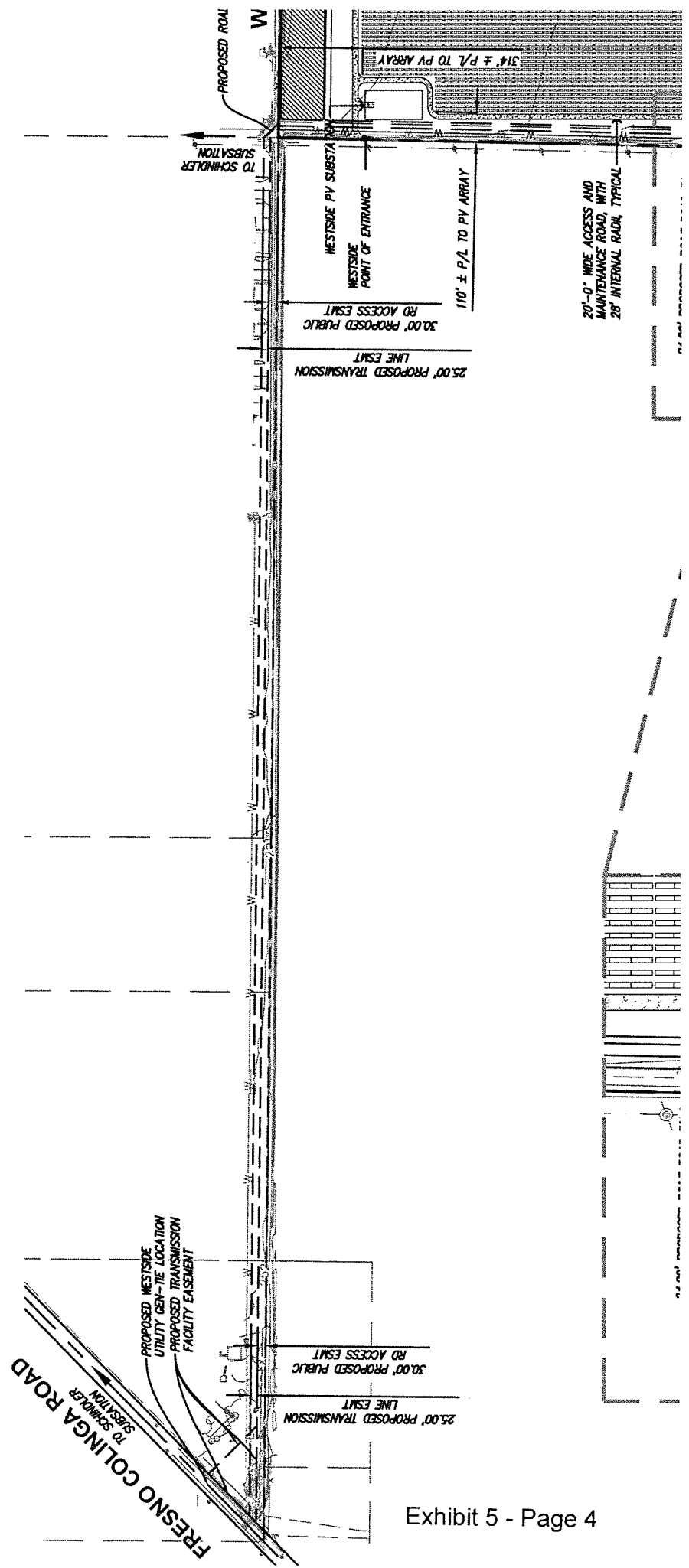
REV.	DESCRIPTION	DATE
01	PRELIMINARY ACCESS ROAD	09/24/18
02	EXHIBIT REVISIONS	10/18/18
03	CONVENTIONAL USE PERMITS CORRECT	11/23/18

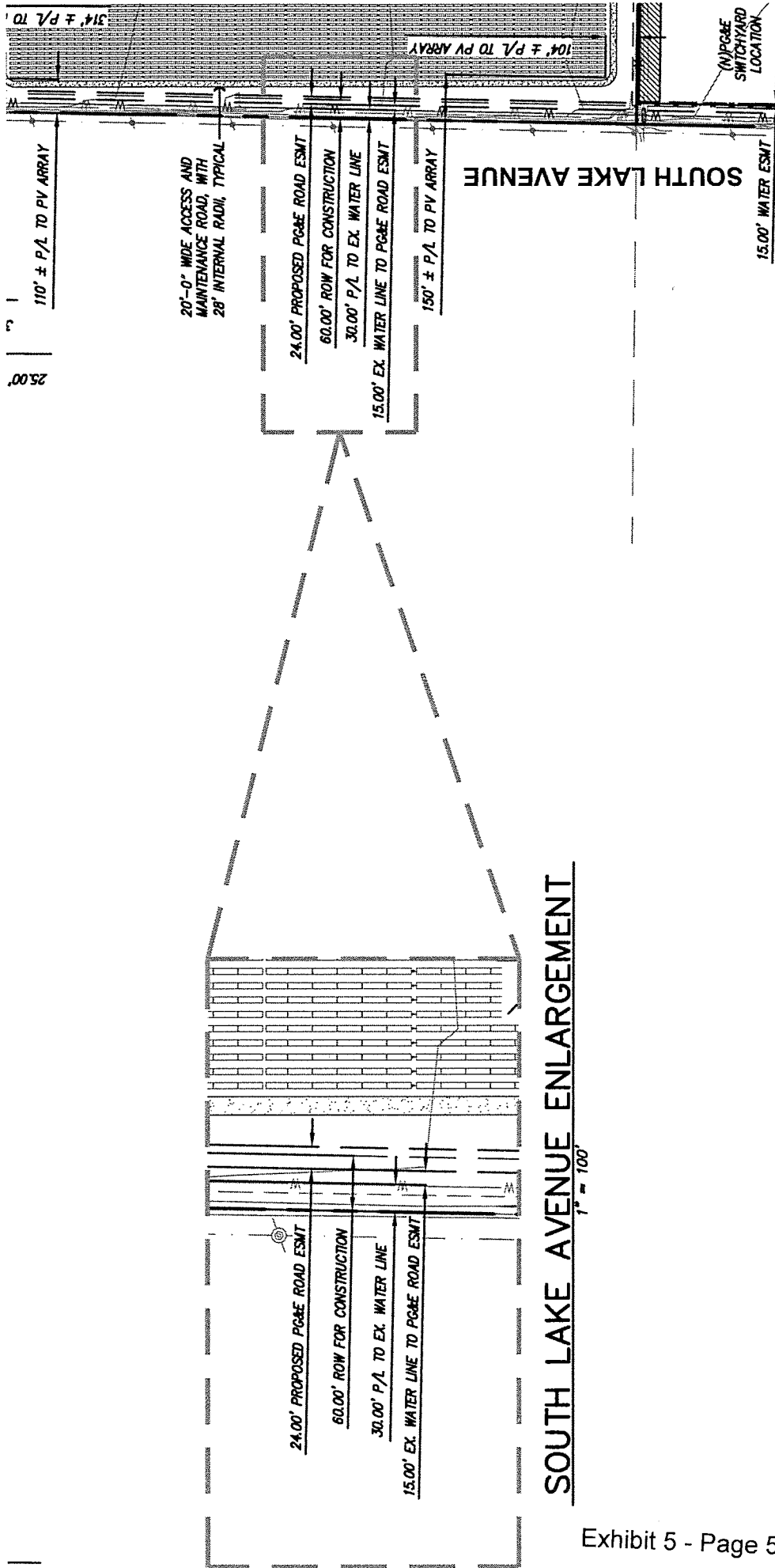


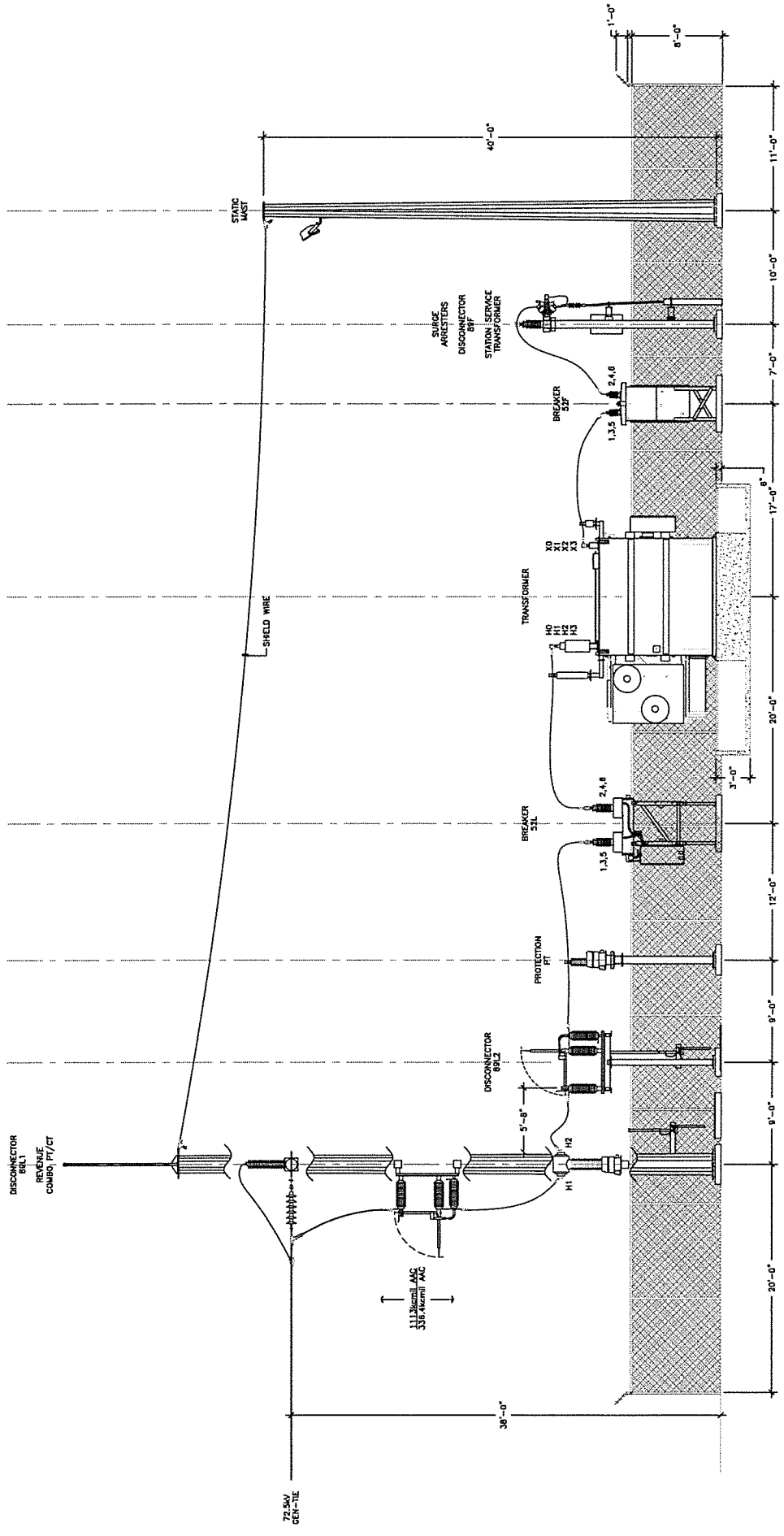
SHEET TITLE
SITE OVERVIEW

SHEET NUMBER
EX-1









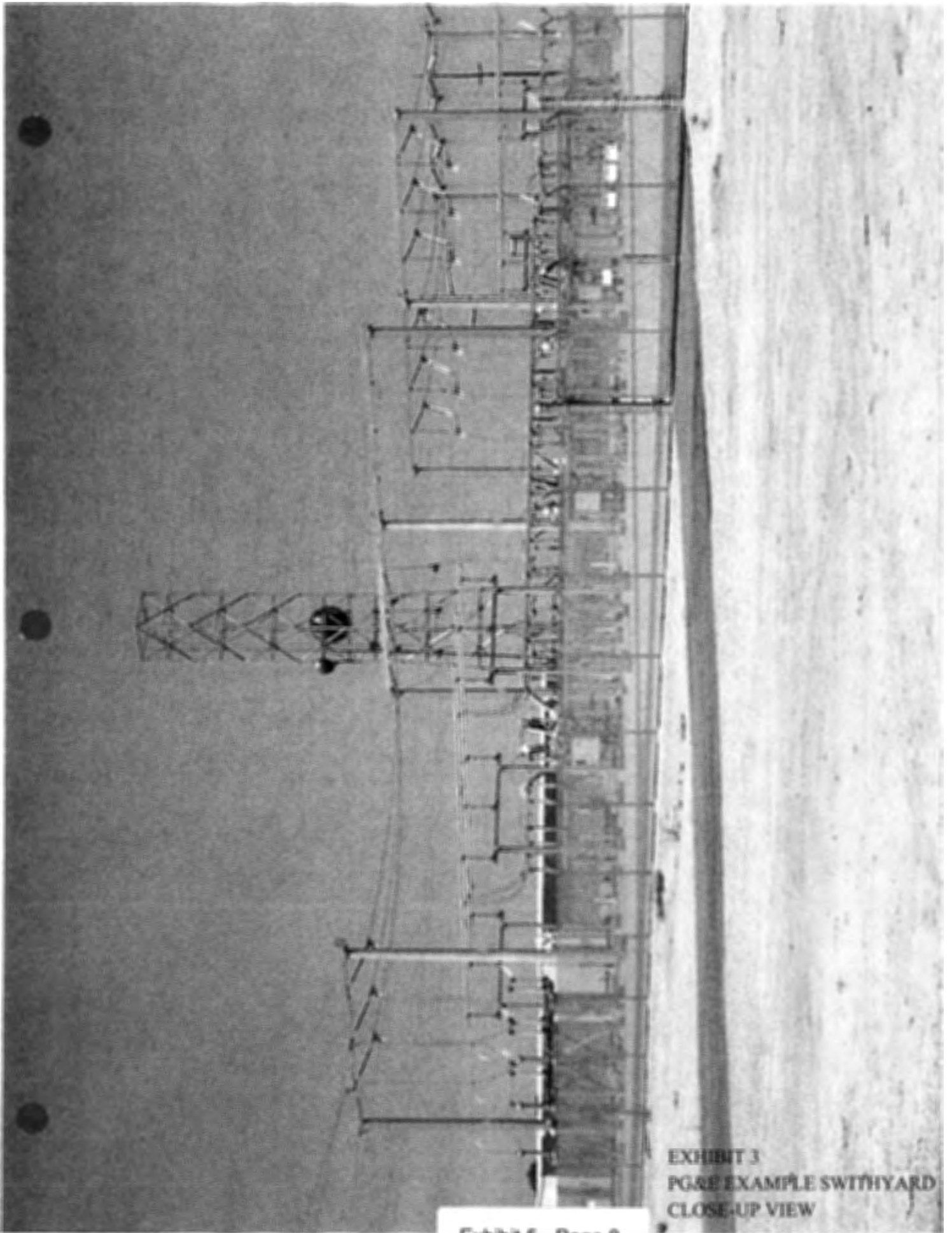


EXHIBIT 3
PG&E EXAMPLE SWITCHYARD
CLOSE-UP VIEW

OPERATIONAL STATEMENT

WHITNEY POINT & WESTSIDE SOLAR PROJECTS

Whitney Point Solar, LLC

700 Universe Boulevard

Juno Beach, FL 33408

CWP3518

RECEIVED
COUNTY OF FRESNO

OCT 19 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

OCTOBER 2015

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

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FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

1.0 Introduction

Whitney Point Solar, LLC is the developer/Applicant of the Whitney Point and Westside 20 megawatt (MW) solar photovoltaic (PV) projects. They each occupy 160 acres, and are contiguous. Thus, the entire combined project sites comprise 320 acres (combined 40MW) and are treated as one project for purposes of this operational statement.

2.0 Site Description

The project site is located in the southwestern portion of Fresno County, California, adjacent to the California Designated Place (CDP) commonly known as Westside/Five Points. The project site is situated in the western reaches of the San Joaquin Valley roughly 30 miles southwest of Fresno, 1 mile south of the unincorporated community of Westside, 3.3 miles southwest of the unincorporated community of Five Points, and 13 miles northwest of Huron. Refer to Exhibit 1, which illustrates the regional vicinity of the project. Accordingly, the site can be defined as:

- The northwest quarter of Section 9, Township 18 South, Range 17 East within the Mount Diablo Base & Meridian, and
- Assessor's Parcel Number (APN): 060-042-16S and 060-042-17S

The total area of each parcel is about 160 acres, for a total of 320 acres comprising the project site. Exhibit 2 shows the local vicinity of the Whitney Point/Westside projects site at a larger scale.

The site is bounded to the west by South Lake Avenue, to the north by West Paige Avenue, to the south by West Jeffrey Avenue, and east by private land parcels. Exhibit 3 shows the Assessor's Parcel Map for the project site.

The site is zoned AE20. The site has no water rights. It has been fallow for a number of years, and is disked periodically.

There are two easements on the property. Both are 300 feet by 300 feet. One is located in the northeast corner of the Westside (northern) parcel, and the other is located in the northwest corner of the Whitney Point parcel. The easements are owned by the Westlands Water District, and shown on the Site Plan (Exhibit 4). The project sponsors have negotiated with Westlands regarding the easements, and intend to buy-out the Whitney Point easement and reconfigure the shape of the easement for the Westside property in order to achieve the proposed site layout.

3.0 Project Description

3.1 General Description of a Photovoltaic System

The solar electric generation project would be a solar photovoltaic (PV) system using solar modules with tracking. All equipment would be standard issue, of conventional design. Solar power plants similar in

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

design to the Whitney Point/Westside Solar Project are comprised of four key components: the solar array field, combiner boxes, inverters, and a grid connection. The solar array is comprised of many solar modules, or module strings. The direct current (DC) from groups of modules is collected with combiner boxes. Combiner boxes merge the module wiring into a single high-current cable and provide over-current protection.

The DC current collected from an array section is routed to an inverter. The inverter converts the DC current to alternating current (AC), so that it can be delivered to the power grid. The output from the inverters is connected to a switchyard where the voltage is increased via the use of transformers and other electrical equipment. The plant would produce renewable electricity that would be sold into the grid for use in California.

3.2 Conceptual Design of Solar Field

The solar field for Whitney Point/Westside Solar Project will consist of single-axis tracking mounting structures facing due south. The installed capacity of each project is a net nominal output of 20 MW AC under standard test conditions which is defined at 1,000 W/m² and 25°C (77°F), again for Westside and Whitney Point.

DC power will be generated by PV panels. The power will be collected and converted to AC by grid-tied, PV inverters distributed throughout the plant PV field. AC power will be stepped-up by pad-mounted transformers located at each inverter pair and collected through a network of medium-voltage junction boxes and metal-clad switchgear for step up to 70 kV by step-up transformers within the plant switchyard. Output from each of the two separate solar facilities will be interconnected into the grid individually on two existing transmission lines. Whitney Point will interconnect via the PG&E on-site switching station to the existing Schindler-Huron-Gates power line; Westside will interconnect via a new 70 kV single-circuit tie line to the existing Schindler-Coalinga #2 power line.

3.2.1 Configuration of the General Site Arrangement

The configuration of the solar panels is based on standard industry practice. The mounting structures will be aligned in an east-west direction as shown in Exhibit 4 (Site Plan). Spacing of the panels is designed to minimize panel-to-panel shading. Therefore, panel-to-panel shading will be minimal and the project should be able to outperform standard industry practice. Finally, the spacing between modules of panels is designed to allow a standard utility truck to drive through for the purposes of cleaning and maintenance.

3.2.2 Electrical Design

DC power will be generated by each PV panel proportional to the radiation absorbed by the solar cells comprising the surface of the panel. The power will be converted to AC by inverters distributed throughout the plant and will be stepped-up via pad-mounted transformers located at each inverter pair.

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

The inverters may be installed outdoors on a concrete pad and should be located under sunshades installed with PV panels to prevent the site's radiant heat from increasing inverter temperatures beyond the manufacturer's recommended operating conditions. Alternatively, the inverters may be contained in a prefabricated container that will keep the inverter in a climate-controlled environment.

The PV panels are planned to be wired together in 16-module strings to maintain a DC voltage level always within the maximum power point tracking (MPPT) window of the inverter under all design temperatures. The module strings are then paralleled for termination in combiner boxes distributed throughout the PV field for aggregated input into inverters. The PV string DC cable will be ultraviolet (UV), water resistant and direct burial rated with multi-contact type quick disconnect terminations harnessed for support on the panel mounting structures. The panel strings will be connected in parallel to meet the DC input requirements of the outdoor-rated, fused combiner boxes pole-mounted near the end of the mounting structures. The combiner boxes will include current monitoring and fault detection on each of the combiner box inputs and a local circuit breaker for load protection and the ability to disconnect.

The conceptual data acquisition and communications systems for the PV plant may include PV string, mounting structure, and inverter monitoring and overall system status.

String monitoring may be performed at each fused combiner box. The fuses would be monitored for fault indication and each input would be equipped with current transformers (CTs) for continuous string performance monitoring. The collector boxes include a main circuit breaker for combiner box output disconnect and protection, but individual strings must be disconnected manually. Optional string monitoring may include radiation sensing, and module and environment temperature.

A pre-engineered power distribution center (PDC), will contain the plant switchgear, metering, communication, and supervisory data acquisition and control (SCADA) equipment. A fenced plant switchyard, approximately 110 feet x 215 feet, will contain the step-up transformer, high-voltage circuit breaker, and the control building. The plant switchyard will also include a steel pull-off structure with bushings and lightning arrestors for the tie-line termination. The tie-line will be protected by a high voltage circuit breaker with maintenance disconnect switches for line disconnect to ensure that any loss of the PV facility will not impact the grid. The plant switchyard will incorporate a ground grid for personnel and equipment protection in accordance with IEEE standards. The step-up transformer will be surrounded by a concrete berm for secondary oil containment. The control building will house SCADA, metering, communications, and protective relay systems, as required.

To deliver electricity from the Whitney Point solar facility to the nearby grid, a PG&E switchyard measuring approximately 5 acres immediately adjacent to the eastern boundary of the project switchyard described above (i.e., the 110 feet x 215 feet fenced switchyard) will be constructed. The PG&E switchyard will be constructed, owned and operated by PG&E and would include components similar to those described above for the project switchyard. One new telecommunication tower up to approximately 110 feet tall will be constructed within the switchyard. To deliver electricity from the Westside solar

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

facility, a new gen-tie transmission line to be owned and operated by PG&E will be constructed with a line-tap into the existing Schindler-Coalinga #2 power line.

3.3 Electrical Interconnection

Each project will be capable of supplying an estimated 20 MW of net nominal three-phase AC power to the grid. The interconnection for each project is described in greater detail below.

3.3.1 Westside Solar Project

The tie-line for the Westside Solar Project will be a 70 kV electric transmission line, constructed to transfer the power generated to the Schindler-Coalinga #2 line shown on Exhibit 2. The overhead tie-line will be a single-circuit line hung on approximately 20 - 25 direct buried, spun concrete or light-duty steel (LDS) mono-poles and will include an optical ground wire (OPGW) for lightning protection of the transmission line and fiber-optic communication between the solar plant and the interconnection line. The new 70kV single-circuit transmission line will be approximately 1.0 mile long and will utilize aluminum conductor steel reinforced (ACSR). The height of the transmission line poles, following current standards, is anticipated to be in the 80 to 85 feet range.

Protection of the tie-line will be implemented by protective relaying primary and back-up schemes. The relaying schemes will be engineered during detailed design.

The Westside Solar Project tie-line alignment would remain the same as approved under CUP 3295. The tie-line would leave the site from an A-frame takeoff structure to approximately two tubular steel poles (TSP) or LDS poles before crossing the intersection of South Lake Avenue and West Paige Avenue. At this roadway intersection, the Schindler-Gates-Huron 70 kV Line would be raised slightly to cross over the new gen-tie line. To do this, approximately four new TSPs approximately 100 to 110 feet tall would replace approximately four existing wood poles (approximately 50 feet) along the existing Schindler-Gates-Huron 70 kV line. PG&E may need to keep the line service by using a temporary line, or “shoo-fly” that diverts the line around the construction area and is typically supported by several temporary poles removed after construction is complete. The tie-line would continue to travel west along West Paige Avenue overhead to the approved off-site switching station adjacent to the intersection of West Paige Avenue and Fresno-Coalinga Road/ State Route (SR)-145. The tie-line would then leave the off-site switchyard along approximately two steel poles approximately 85 to 100 feet tall before crossing Fresno-Coalinga Road/ SR-145 to connect to the Schindler-Coalinga #2 70 kV line situated along the western boundary of Fresno-Coalinga Road/SR-14, requiring the replacement of approximately five existing wood poles (approximately 50 feet) with approximately two LDS poles approximately 65 to 75 feet, one TSP approximately 75 feet, and two TSPs approximately 85 to 95 feet tall. The line may be kept in service by installing a shoo-fly around the construction area.

The Applicant has secured a right-of-way for both an access road to the site from Fresno- Coalinga Road/ SR-145 and a transmission line corridor along the access road.

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

3.3.2 Whitney Point Solar Project

The Whitney Point Solar Project tie-line will leave the plant switchyard from an A-frame takeoff structure and cross South Lake Avenue following G0-95 and NEC clearances. The line will then loop into the Schindler-Huron-Gates 70 kV line situated along the western side of South Lake Avenue, directly across from the project site. Improvements will include four new tubular steel poles up to approximately 100 feet tall outside the switching station and replacement of approximately four wood poles (currently 50 to 65 feet tall) with up to four tubular steel poles approximately 100 feet tall along the Schindler-Huron-Gates 70 kV Line. The line may be kept in service by installing a shoo-fly around the construction area.

3.4 Civil Design

The Westside/Whitney Point Solar Project conceptual design takes into account existing site conditions with respect to natural drainage ways, grading, storm water drainage, interior roadways, and fencing, where applicable.

Development of the Westside/Whitney Point Solar Project will assume that the complete site will remain disturbed in its present condition. Site grading will be minimal due to conversion of its existing use from agricultural to solar PV. The complete site will be fenced and access roads will be constructed around the site within the fencing. Additional roads will be constructed within the site to allow washing of the PV panels and to service the on-site equipment. A switchyard to allow delivery of the solar generated electricity to the electrical distribution grid will be constructed for each of the two facilities. The Whitney Point switchyard will be constructed on-site, the Westside switchyard will be constructed off-site.

Access to the Westside/Whitney Point Solar Project will be from Fresno-Coalinga Road/SR-145 following the private dirt road called West Paige Avenue. This road will be improved. Exhibit 4 shows the locations of the proposed road improvements and transmission line.

3.4.1 Foundation Design

Whitney Point, LLC conducted a preliminary foundation design. It was determined that possible foundation designs would include concrete footings and steel-driven piles. Driven piles appear to be the best solution; therefore, this design is presented here.

3.4.2 Site Drainage and Storm Water Control

Separate storm-water retention basins are located within the project boundary for each facility. The quantity of detention was determined based on the anticipated quantity of Aggregate Base material to be added to the site for roadways and coverage by structures, and calculations were based on Fresno County Drainage Standards requirements.

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

The project sites will be disturbed beyond the present condition. In addition to driven piers, the sites will include internal roads and structure foundations. Site grading will be minimal due to conversion of their existing use from agricultural to solar PV development. The complete sites will be fenced with 6- to 8-foot chain-link fence, topped with three strands of barbed wire. A 20-foot-wide gravel access road will be constructed around the sites within the fencing. Interior roads will allow maintenance vehicles to pass through for PV panel washing and maintenance of onsite equipment.

No export or import of soil is expected to be required for the described civil work.

3.4.3 Water Requirements

As part of O&M activities, water will be used for periodic washing of the PV modules. There is no standard PV panel washing method; however, assumptions can be made based on utility-scale PV solar power cleaning experience as well as recommendations from a variety of panel vendors. Approximately 0.25 acre-feet, or about 86,000 gallons, of water will be required for cleaning all PV modules at the combined 320-acre project site (Whitney and Westside). This is based on the assumption of 0.25 gallon of water necessary per square meter of panel. The amount of water required for each cleaning and the frequency of cleanings will depend on the PV washing method, the site weather, and the amount of soiling on the panels. Most vendors recommend washing about two times per year with the first cleaning in late spring and the second in late summer. However, given unfavorable site conditions, cleaning could occur four times per year or more. Assuming that cleaning occurs four times per year, approximately 1 acre-foot (326,000 gallons) will be the annual water consumption of the plant (for both the Whitney and the Westside facilities).

Water for panel washing will be imported to the site via tanker truck. Washing will be conducted using a small truck outfitted with a high-pressure spray system. The truck will travel along access paths between rows. Water will be de-ionized to reduce residual films.

4.0 Construction

4.1 Construction Activities

Construction primarily will be comprised of the following activities:

- *Site Preparation:* The site will be prepared for construction. For example, rough grading will be performed and retention basins created for hydrologic control, access roads will be covered with gravel, and array areas will be compacted. A temporary staging area will be constructed to hold materials and construction equipment.
- *Fencing:* A 6-8-foot perimeter security fence will be installed. Trash will be removed from the fencing as required.

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

- *Solar Field:* The solar arrays will be installed in three steps: installation of foundations, construction of the racking and tracking systems, and attaching modules.
- *Electrical Work:* Inverter and substation pads will be poured, followed by installation of the inverters, wiring of the modules through combiner boxes, and construction of the substation and grid interconnection.

4.2 Construction Schedule

A conceptual construction schedule is shown on Exhibit 5, and applies to both the Whitney Point and Westside Solar Projects. The construction period, from site preparation through construction, testing, and commercial operation, will extend for approximately nine months for a 20 MW project.

4.3 Workforce

The peak construction traffic trips for workers and deliveries through the nine-month construction schedule for one 20 MW project is summarized in Table 1, below.

TABLE 1									
PEAK CONSTRUCTION TRAFFIC PER 20 MW PROJECT									
	Daily	A.M. Peak Hour				P.M. Peak Hour			
Type	Trips	In : Out	In	Out	Total	In : Out	In	Out	Total
Construction Personnel	137	90 : 10	123	14	137	10 : 90	14	123	137
Delivery Trucks	20	50 : 50	10	10	20	50 : 50	10	10	20
Total Trips	157		133	24	157		24	133	157

Work should be completed in 8- or 10-hour shifts, with a total of 5 shifts per week. The work shift will commence at 6:00 a.m., 7:00 a.m., or 8:00 a.m. depending on the time of year and staff considerations. On certain occasions work will extend beyond 10 hours per day, and may include Saturday Work (a 6th Work day), or possibly Sunday Work (a 7th day of work). The requirement for added hours will be on an as-needed basis to meet schedule requirements. It is anticipated that the construction workforce will commute to a project site each day from local communities. Worker commute vehicles will account for the majority of traffic trips to the site.

On-site construction equipment will consist of traditional equipment used for site development. Minimal grading will be required to construct the roads. This will be accomplished with scrapers, motor graders,

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

water trucks, dozers, and compaction equipment. The PV material will be off-loaded and installed using small cranes, boom trucks, forklifts, rubber-tired loaders, rubber-tired backhoes, and other small- to medium-sized construction equipment as needed. All these construction equipment items will be delivered to the site on "low bed" trucks unless the equipment can be driven to the site (for example, the boom trucks). A complete list of construction equipment needed for each 20 MW project is listed on Exhibit 6.

It is not known at this time whether the total construction effort will be phased (i.e. one 20 MW project at a time), or if both projects will be constructed in the same time period. If both projects will be constructed together, the construction traffic estimates shown above will be higher. While the "worst case" would be double the traffic counts, this is unrealistic, because certain craft workers will stage construction on the sites, which would reduce the number of workers needed. A more realistic worst case would be a 50 percent increase in traffic counts from the numbers shown in the table.

5.0 Operation and Maintenance

Communications will be provided by the local utility. No potable water will be available on site. Potable water will be supplied via bottled water for drinking purposes and portable sanitary facilities will be onsite as-needed for any maintenance activities.

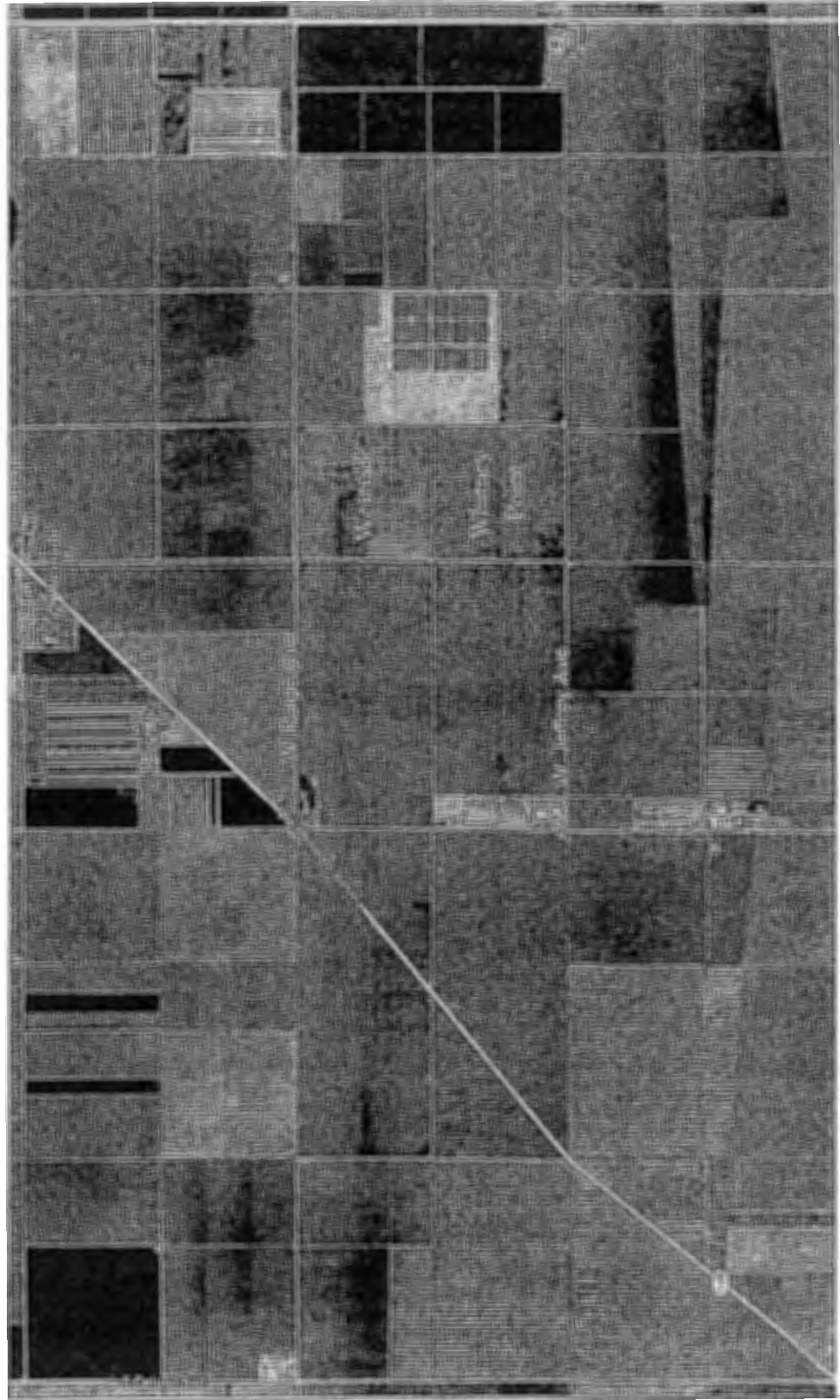
All lighting will comply with County dark sky requirements. The photovoltaic field is not expected to contain any lighting.

The entire project will be fenced in for the security of the project. An additional fence will protect the interconnect switch yard.

It is expected that two people will tend the facility on a part-time basis, sharing responsibility between security and O&M depending on site operation. Additional personnel will be needed to clean the panels and for other specialized maintenance activities.

Traffic to the site during operation will be minimal. On a typical day, one or two security or maintenance personnel will visit the site and perform required functions. When panel washing is conducted, a team of 2-4 personnel will clean the panels over a time period of approximately 10 days.

EXHIBIT 1
REGIONAL OVERVIEW MAP



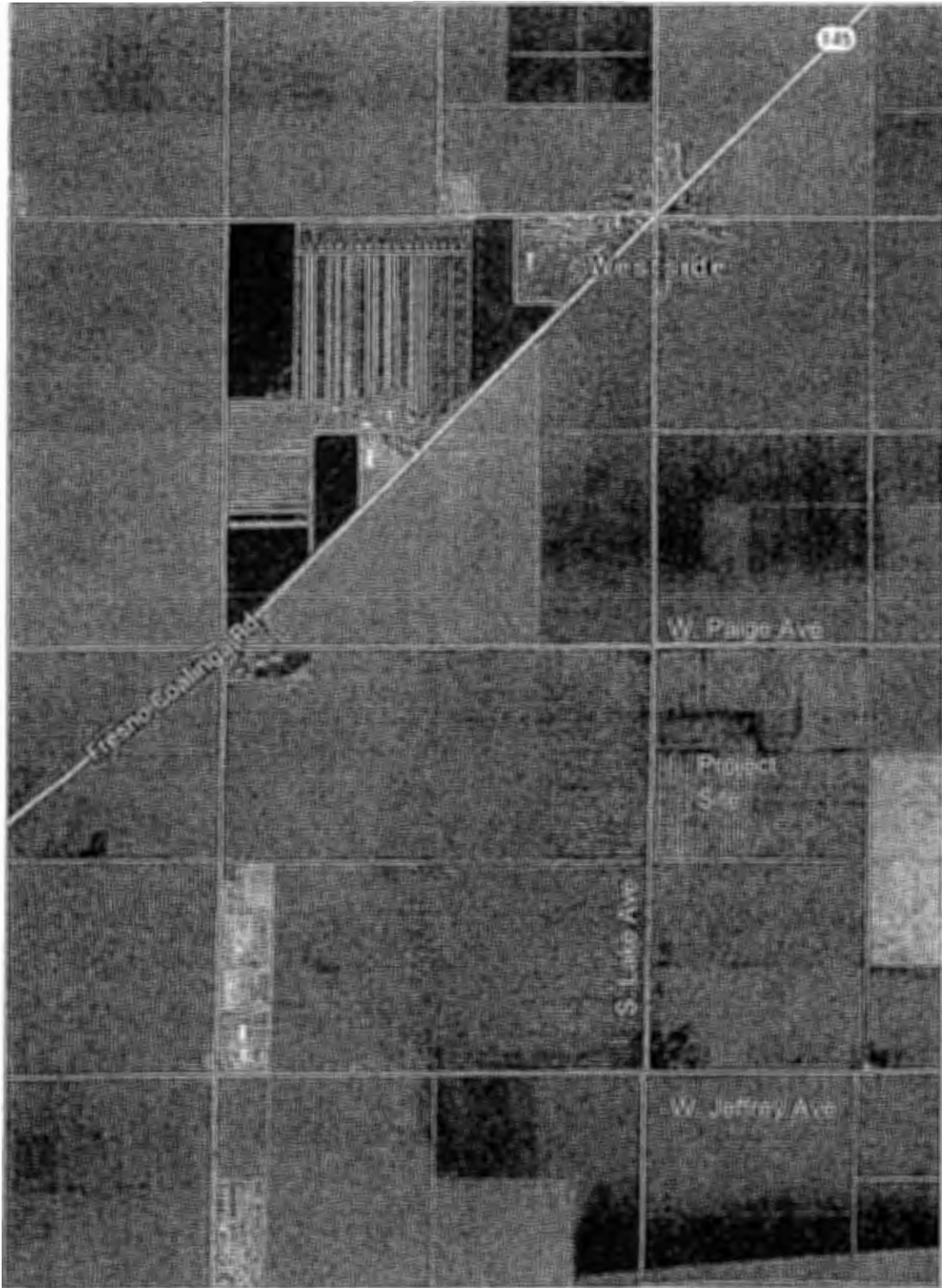


EXHIBIT 2 – SITE AND VICINITY

WHITNEY POINT SOLAR LLC PROJECT

EXHIBIT 3

ASSESSOR PARCEL MAP

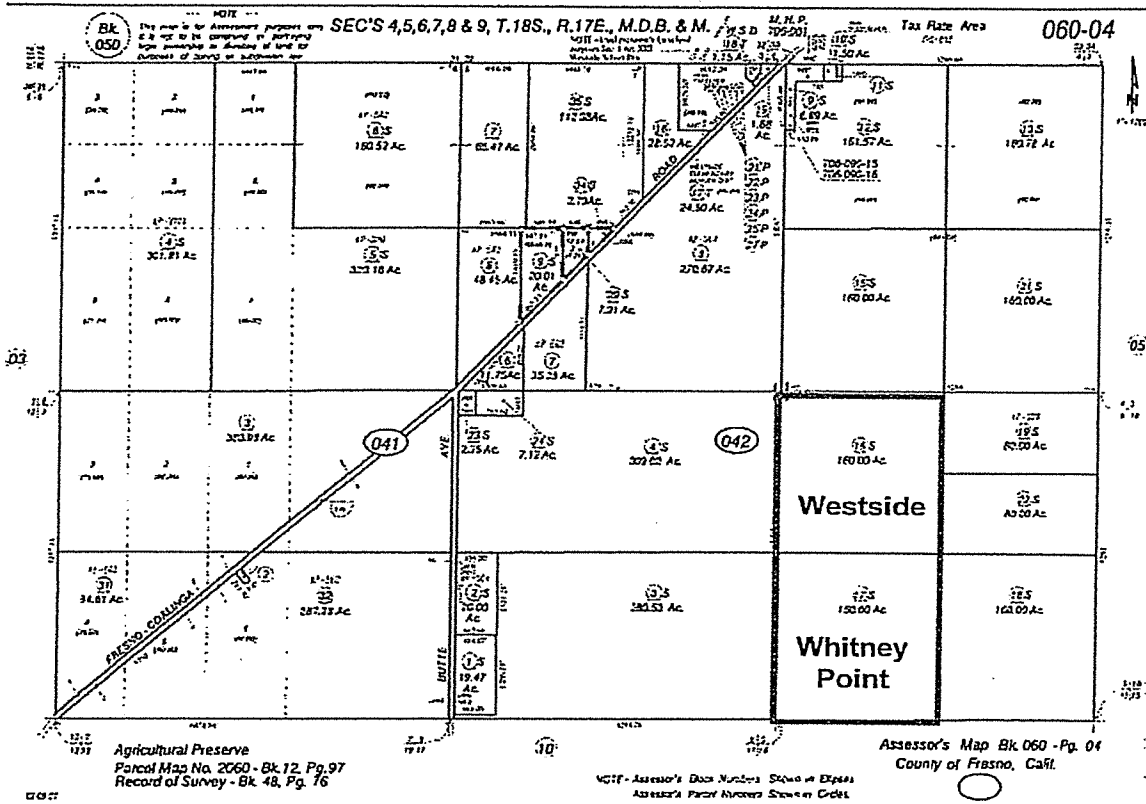


EXHIBIT 6 CONSTRUCTION EQUIPMENT LIST

Construction Equipment and Motor Vehicle Numbers

Equipment/Vehicle Type	NOTES	Description	No. Axles	Gross Weight (lbs)	Monthly Number									
					1	2	3	4	5	6	7	8	9	
On-Site Construction Equip														
Scrapers, Cat		Cat 623	2	50,000	3	1	1	1	1	1	1	1	1	1
Dozer, Cat		Cat D6	N/A - track	37,500	1	1	1	1	1	1	1	1	1	1
Motor Grader, Cat		Cat 14G	3	49,500	1	1	1	1	1	1	1	1	1	1
Roller/Compactor		Cat CS-553	2	23,800	1	1	1	1	1	1	1	1	1	1
Boom Truck/Crane		Terex 3063	2	30,000	3	3	3	3	3	3	3	3	3	3
Rough Terrain Fork Lift		Case 585G	2	14,000	1	2	2	2	2	2	2	2	1	1
Backhoe		Cat 435	2	14,700	1	3	3	3	3	3	3	3	1	1
Front End Loader		Cat 950	2	34,000	1	3	3	3	3	3	3	3	1	1
Water Truck		FritLiner 4000 gal	3	54,000 (loaded)	3	3	3	2	2	2	2	2	2	2
Dump Truck		International	3	64,000 (loaded)	1	1	1	1	1	1	1	1	1	1
On site flat bed truck		Various	3	21,000	1	1	1	1	1	1	1	1	1	1
On-site Hydraulic Pipe Driver		Varios	2 to 3	20,000 to 35,000	1	2	2	2	2	2	1	0	0	0
					18	22	22	21	21	20	19	14	14	
OffSite Vehicles														
	3		No. Axles	Gross Vehicle Weight (lbs) loaded										
Off-Site Flat Bed Trucks		N/A	5 to 7	Up to 80,000	5	5	5	5	5	5	5	5	5	5
Off-Site PV Panel Trucks	6	N/A	5 to 7	Up to 80,000	0	0	20	20	20	20	20	20	20	0
Off-Site Inverters	6	N/A	5 to 7	Up to 80,000	0	0	0	0	10	20	10	0	0	0
Off-Site Moulding Structures	6	N/A	5 to 7	Up to 80,000	0	15	35	35	35	35	35	0	0	0
Off-Site Gravel Rock trucks	6	N/A	7	Up to 80,000	0	0	150	200	250	200	100	0	0	0
Off-Site Cabling Trucks	6	N/A	5 to 7	Up to 80,000	0	0	0	0	0	5	10	10	0	0
Off-Site Fencing Trucks	6	N/A	5 to 7	Up to 80,000	0	0	0	0	0	0	0	0	0	10
Off-Site Water Trucks	1	FritLiner 4000 gal	3	22,000 empty	44	44	44	44	44	44	44	44	44	44
Off-Site Fuel & Lube	2	N/A	2	41,000	22	22	22	22	22	22	22	22	22	22
Off-site Concrete Truck		N/A	5 to 7		0	0	0	1	0	0	0	0	0	0
Off-site Insulation Truck		N/A	3		0	0	0	0	0	1	0	0	0	0
Off-site Roof truck		N/A	3		0	0	0	0	0	1	0	0	0	0
Off-site Wall Truck		N/A	3		0	0	0	1	0	0	0	0	0	0
Off-Site Structural Steel truck		N/A	3		0	0	0	3	0	0	0	0	0	0
Off-site electrical Truck		N/A	3		0	0	0	0	1	0	0	0	0	0
Off-site Mechanical Truck		N/A	3		0	0	0	0	1	0	0	0	0	0
Off site plumbing Truck		N/A	3		0	0	0	0	1	0	0	0	0	0
Off site architectural Truck		N/A	3		0	0	0	1	1	1	0	0	0	0
Dump Truck	4	N/A	3	25,000 empty	22	22	22	22	22	22	22	22	22	22
Low Bed Delivery Trucks	8	N/A	7	Up to 80,000 (overloads will necessitate permits for heavy hauls)	22	5	5	5	5	5	22	10	10	
Porto-Let Truck	5	N/A	3	24,000	5	5	5	5	5	5	5	5	5	5
Off-Site Worker Commute		Auto	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
					120	118	308	364	422	386	295	138	118	
Total Vehicle Equipment Trips					138	140	330	385	443	406	314	152	132	
Construction Workers' Vehicles														
CARPENTER						4	4	4	4	4	4	4	4	4
ELECTRICIAN						5	20	20	20	25	25	25	15	
IRONWORKER (CIVIL & STRUCT)	7					10	30	30	30	25	20	15	10	
LABORERS (CIVIL, CONCRETE, STRUCT, ELEC, & MECH)						10	30	30	40	40	30	5	5	
OPERATING ENGINEERS (CIVIL, CONCRETE, STRUCT, ELEC & MECH)						8	6	4	4	3	3	3	3	
PIPEFITTERS						3	3	5	8	10	12	5	5	
TEAMSTERS (CIVIL, CONCRETE, STRUCT, ELEC, & MECH)						15	15	15	15	15	15	15	10	
TOTAL CRAFT						36	73	108	121	122	124	109	72	52
CONSTRUCTION STAFF						5	7	7	7	7	7	7	5	
CM STAFF (NEXTERA)						3	3	3	3	3	3	3	3	
SUBCONTRACTORS						2	2	3	3	3	3	3	2	
TOTAL STAFF						10	12	13	13	13	13	13	10	
Total Labor Force						46	85	121	134	135	137	122	85	62

- Notes:
- 1 It is assumed that two water trucks will travel to the site each day during construction.
 - 2 It is assumed that a fuel and lube truck will service the project on a daily basis.
 - 3 The off site vehicles generate the number of trips to and from the project
 - 4 The dump truck is assume to come to site each day to offhaul debris and other items - one trip each day
 - 5 Porta Johns will require cleaning once per week on average
 - 6 Assume Ironworkers assemble the steel/aluminum framing components
 - 7 The low bed trucks will deliver on-site construction equipment as needed

Additional Information from PG&E (CUP 3518):

This information is to provide additional details on the electrical interconnection facilities required to tie the Whitney Point and Westside Solar projects into the existing electric transmission grid. These improvements are within the project area and scope studied by Initial Study (IS) No. 7053.

Whitney Point

To accept electricity generated from the Whitney Point Solar Project, PG&E is proposing to construct the new Five Points Switching Station, a 70 kV switching station approximately 5 acres in size located approximately 0.25-mile south of the intersection of W. Paige Avenue and S. Lake Avenue. One new telecommunication tower approximately 95 feet tall will be constructed within the switching station.

To connect to PG&E's utility grid, the existing Schindler-Huron-Gates 70 kV power line adjacent to the new switching station will loop in and out of the new switching station. To do this, PG&E will replace approximately four existing wood poles along the existing power line with approximately two new tubular steel poles (TSPs) and approximately two new light-duty steel poles (LDSPs). PG&E will also construct approximately two new TSPs and one LDSP outside the switching station to complete the interconnection. The new poles will range in height between 70 and 81 feet tall. One LDSP will be approximately 85 feet tall.

Westside

To accept electricity from the Westside Solar Project, a new 70 kV generation tie line (gen-tie) will be constructed along W. Paige Avenue to connect to the existing Schindler-Coalinga #2 70 kV transmission line along State Route (SR) 145. The overhead gen-tie will be hung along approximately 11 LDSPs and three TSPs up to 85 feet tall.

To make the interconnection, approximately three existing wood poles on the Schindler-Coalinga #2 70 kV line will be replaced with approximately three new TSPs, two at approximately 77 feet tall and one at approximately 87 feet tall. An additional TSP approximately 81 feet tall will be placed across the highway to connect the line along the new gen-tie. PG&E's existing Schindler-Huron-Gates 70 kV line will need to be raised to cross over the new gen-tie line at the intersection of Lake and Paige Avenues. To do this, approximately four existing 50-foot-tall wood poles will be replaced with approximately two new TSPs approximately 110 feet tall and two TSPs approximately 95 feet tall.

PG&E may need to keep the existing transmission lines in service while the gen-tie and modifications are constructed by installing a temporary line, or 'shoo-fly,' that diverts the line around the construction area and is typically supported by several temporary poles that are removed after construction is complete.

EXHIBIT 7

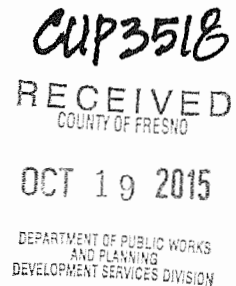
ATTACHMENT 1

Whitney Point Solar CUP Amendment Application Responses to Solar Facilities Guidelines

1. Information shall be submitted regarding historical agricultural operations for the past ten years.

Response: Data is only available from 2007 through 2015.

2007: Dry farmed wheat
2008: Fallow
2009: Fallow
2010: Dry farmed wheat
2011: Dry farmed wheat
2012: Dry farmed wheat
2013: Fallow
2014: Fallow
2015: Fallow



Source: Terra Linda Farms

2. Information shall be submitted that identifies the source and quality of the water used by the farm for the past ten years and anticipated water source for the proposed project.

Response: Since 2007, the parcels have not been irrigated. Therefore, there is no water source.

Source: Terra Linda Farms

Whitney Point will not have any daily water demand, as the site will be operated and monitored remotely. Water necessary for infrequent washing of the panels will be trucked to the site.

3. Identify the current status of the parcel, and indicate any deed restrictions.

Response: The two Whitney Point Solar parcels, APN 060-042-16S and APN 060-042-17S, are on private land, and have no deed restrictions. These parcels are not in the Williamson Act, and, therefore, have no agriculture contract.

4. Identify the current soil types and soil units from the NRCS database and the State Farmland Mapping and Monitoring System.

Response: The land is not classified as Prime Farmland.

The Department of Conservation Land Evaluation and Site Assessment (LESA) Land Capability Classification (LCC) classifies the Whitney Point site as IIIs/IIIw based upon a scoring of 60 points out of a possible 100. Prime farmland has a score of 100.

The Department of Conservation Farmland Mapping and Monitoring Program classifies the Whitney Point Solar Project site as "farmland of statewide importance".

The site is composed of two soil components however the site is predominantly composed of Soil Unit 475-Posochanet clay loam. The NRCS description of the soil unit is provided below:

Map Unit Setting:

Elevation: 160 to 270 feet

Mean annual precipitation: 6 to 8 inches Mean annual air temperature: 62 to 63 degrees F
Frost-free period: 230 to 250 days

Map Unit Composition:

Posochanet, clay loam, saline-sodic, wet, and similar soils: 88 percent
Minor components: 12 percent

Properties and Qualities:

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well 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: About 48 to 60 inches
Frequency of flooding: Rare
Frequency of ponding: None
Calcium carbonate, maximum content: 2 percent
Gypsum, maximum content: 2 percent
Maximum salinity: Very slightly saline to strongly saline (4.0 to 20.0 mmhos/cm)
Sodium adsorption ratio, maximum: 50.0
Available water capacity: Moderate (about 7.4 inches)
Land capability classification (irrigated): 3s Land capability (non-irrigated): 7s

Typical Profile:

0 to 7 inches: Clay loam
7 to 15 inches: Clay loam
15 to 24 inches: Stratified loam to silty clay loam
24 to 60 inches: Stratified loam to silty clay loam

5. List all proposed measures and improvements intended to buffer the proposed project from the adjacent agricultural operations (detailed information must be shown on the site plan), and provide factual/technical data supporting the effectiveness of the measures.

Response: Farming operations are located adjacent to the Whitney Point project site. The Project will not be staffed (operation and monitoring will be performed remotely), with infrequent visits by maintenance staff for periodic panel washing or electrical inspection/repair.

Whitney Point Solar will buffer the project site with 6.6-ft cyclone fencing for security and a buffer distance of 30 feet to 90 feet between the road centerline and the first array on the east; a buffer distance of 150 feet from the road centerline and first array on the south; a buffer distance between 60 and 180 feet between the center of the road and arrays on the west; and, a buffer distance of 300 feet on the north side.

Whitney Point Solar's Integrated Pest Management Plan (IMP) for weed control will focus on the perimeter of the project site, preventing potential invasion of weedy species onto adjacent lands.

We believe that these measures will provide an effective buffer between adjacent farming operations and the solar array fields.

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

Response: Refer to attached Whitney Point Solar Reclamation Plan.

7. Provide information documenting good faith efforts to locate the proposed project on non-agricultural lands.

Response: NextEra purchased the property with existing entitlements for solar electricity generating facilities. It is our understanding the original project sponsor (Pacific Valley) completed an extensive evaluation process to demonstrate compliance with this requirement. Pacific Valley applied the following siting criteria (required to produce a successful project):

- Parcel not subject to Williamson Act Contract
- Land slope less than 2%, and preferably close to 1 % or less
- Sufficient solar insolation levels
- No hydrological features (deep swales, streams, etc)
- No sensitive biological resources on or adjacent to the site
- No residences within 1/2 mile of the site
- Parcel zoning is compatible with solar facility development

- Reasonable site access via road network
- Minimal shading from nearby hills or manmade structures
- Less than 1 mile from a 69 kV or 115 kV transmission line or substation
- High probability of sufficient capacity of the transmission line/substation
- Acceptable cost for transmission system upgrades
- Geotechnical conditions that will support required foundations

Many criteria must be satisfied in order to identify a potentially successful site for utility grade solar energy generation. The siting process Pacific Valley applied evaluated every parcel 80 acres or larger in Fresno County outside of populated areas. The Whitney Point Solar parcels rose to the top primarily because

- There was good energy injection capacity in the area,
- There was an acceptable injection point close to the project site,
- The parcels were not in the Williamson Act,
- No residences were present within a mile of the parcels, and
- No biological, hydrological, or other environmental issues were identified.
- The land was not prime farmland, and was only dry farmed in recent years due to a lack of water for irrigation.

All parcels evaluated outside of the farming areas (e.g. near Route 5) were ecologically sensitive, and lacked an injection point for the energy produced.

8. A pest management plan must be submitted with the CUP Application that demonstrates that insects or other pests will not impact adjacent farming operations.

Response: Whitney Point Solar has prepared reports entitled "Weed Management Plan" and "Rodent Control Plan". Copies are attached.

9. The applicant must acknowledge that it will comply with the California Right to Farm Act, California Civil Code Para. 3482.5.

Response: Whitney Point Solar will comply with the Right to Farm Act provisions.

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

Response: Applicant acknowledges a new land use permit will need to be obtained in the event the initial solar lease is extended.

WHITNEY POINT SOLAR, LLC

PROJECT DECOMMISSIONING AND
SITE RESTORATION PLAN

Prepared for

CUP3518
RECEIVED
COUNTY OF FRESNO
OCT 19 2015
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Whitney Point Solar and Westside Solar

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List of Exhibits

Exhibit 1 – Site Plan

1.0 INITIAL PROJECT DECOMMISSIONING AND SITE RESTORATION PLAN

1.1 Introduction

Whitney Point Solar, LLC, (Whitney Point Solar) is proposing to develop solar photovoltaic (PV) generating facilities located on a 320 acre site in Fresno County, California, between the community of Westside and the community of Five Points, situated on privately owned land. A right-of-way will provide access to the project site, and will include a transmission line interconnecting to PG&E.

The project is expected be in operation for 25 to 30 years (the anticipated length of the power purchase agreement). If the plant is decommissioned at the end of this period, Whitney Point Solar or its successor in interest will be responsible for the removal, recycling, or disposal of all solar arrays, inverters, transformers and other structures on the site, depending upon the proposed future use of the site. Whitney Point Solar anticipates using the best available recycling measures at that time of decommissioning.

1.2 Existing Use

The Whitney Point project site consists of tilled cropland, except for a small area used for a mulching operation, consisting of haystacks and manure piles.

The project site has been dry farmed for several years, typically with wheat or barley. The area surrounding the project site is also cropland, including grain, low-growing row crops, and irrigated alfalfa and cotton.

1.3 Planned Use

The Whitney Point Solar Project is being developed to provide solar photovoltaic power to serve the electrical requirements of California. The Whitney Point Solar Project consists of two 160-acre 20 megawatt (MW) alternating current (AC) projects located on adjacent parcels. The parcels have been purchased by Whitney Point Solar LLC.

The project will involve installation of various facilities, such as ground-mounted solar arrays, switchyard, inverters, electrical conduits, foundations, and control building. The foundations and electrical conduits will be located underground. Exhibit 1 shows a Site Plan for the facility.

1.4 Plan Purpose

The purpose of the Plan is to ensure that if the project is decommissioned, the site restoration will be accomplished in a way that is environmentally sound, safe, and protects the public health and safety. Decommissioning is a general term used to describe a formal process to remove something from active status whereas restoration objectives aspire to return the land to some degree of its former state, after some process has resulted in its disturbance.

Future conditions that could affect decommissioning are largely unknown at this time; however the best available technologies and management practices will be deployed to ensure successful project decommissioning and site restoration.

1.5 Plan Objectives

In order to ensure that decommissioning will be completed in a manner that is environmentally sound, safe, and protects the public health and safety, Whitney Point Solar or its successor in interest will submit a Final Plan for Project Decommissioning to Fresno County for review and approval before the project's decommissioning begins. Overall, the plan will include a discussion of:

- Proposed decommissioning activities for the project and all appurtenant facilities that were constructed as part of the project;
- The activities necessary to restore the site if the plan requires removal of equipment and appurtenant facilities; and
- Decommissioning alternatives at the time of final decommissioning.

Satisfying the above requirements should serve as a safeguard, even in the unlikely event that the project is abandoned.

1.6 Project Decommissioning

When the project reaches the end of its operational life, the component parts will be dismantled and recycled. All waste resulting from the decommissioning of the facility will be transported by a certified and licensed contractor and taken to a landfill/recycling facility in accordance with all local, State, and federal regulations.

The Initial Project Decommissioning Plan for the project site will include the following:

- The facility will be disconnected from the utility power grid.
- Individual PV panels will be disconnected from the on-site electrical system.
- Project components will be dismantled and removed using conventional construction equipment and recycled or disposed of safely.
- Individual PV panels will be unbolted and removed from the support frames and carefully packaged for collection and return to a designated recycling facility for recycling and material re-use.
- Electrical interconnection, transmission, and distribution cables will be removed and recycled offsite by an approved recycling facility.
- PV Panel support steel and support posts will be removed and recycled off-site by an approved metals recycler.
- Electrical and electronic devices, including inverters, transformers, panels, support structures, lighting fixtures, and their protective shelters will be recycled off-site by an approved recycler.

- Any hazardous materials will be removed and disposed in accord with the current regulations.
- All concrete that is removed from the switchyard and on-site distribution system will be recycled off-site by a concrete recycler or crushed on site and used as fill material.
- Fencing will be removed and recycled off-site by an approved metals recycler.
- Soil erosion and sedimentation control measures will be re-implemented during the decommissioning period and until the site is stabilized.
- Only minimal grading is expected to be required.

1.7 Site Restoration

Restoration activities will return the project site to agriculture production (e.g. grain or row-crops), or another useful purpose. Return the land to agricultural production will entail increasing the nutrient content to pre-construction levels and aerating the soils through regular tilling. If the land were to be utilized for another useful purpose, soil stabilization techniques will be deployed to ensure topsoil preservation.

The Initial Site Restoration Plan for the project site will include the following:

- New gravel roads will be removed; filter fabric would be bundled and disposed of in accordance with all applicable regulations. Road areas would be backfilled and restored to their natural contour.
- Existing wells or pumps located on the periphery of the site will be maintained in place. Any ditches used for temporary water transport within a site will be removed for the project. These irrigation works will be restored if appropriate or necessary.

Restoration activities would entail one of the following measures:

- If land is to be used for agriculture use, the nutrient content of the soil would be restored to pre-construction concentration levels (if degraded) and the land would be tilled regularly to ensure aeration of soils and proper weed management; or
- If the land is to be converted for another purpose, soil stabilization techniques would be deployed to prevent topsoil erosion. Conversion to another use consistent with applicable land use regulation in effect at that time.

All permits related to restoration would be obtained where required.

1.8 Estimated Costs

Whitney Point Solar or Transferee will provide financial security for the performance of its decommissioning and restoration obligations based on the Initial Decommissioning and Site Restoration Plan. A decommissioning cost estimate will be prepared and submitted to the County of Fresno. The cost estimate will be used to determine the value of the Performance Bond to ensure that the funds will be available for decommissioning and site restoration (see Section 3.0).

2. FINAL PROJECT RESTORATION AND SITE RESTORATION PLAN

2.1 Final Project Decommissioning and Site Restoration Plan

Ninety days (90) prior to decommissioning the Project Site, Whitney Point Solar will submit a Final Project Decommissioning and Site Restoration Plan ("Final Plan") to the County for its approval, which approval will not be unreasonably withheld. The Final Plan may contain measures to decommission the Project and restore the Project Site different than the Initial Plan, provided that Whitney Point Solar explains in sufficient detail the reasons for any new or substantially different measures.

2.2 Decommissioning and Restoration: Scope and Timing

2.2.1 Scope of Decommissioning

Decommissioning the Project will involve removal of the Project's components as necessary for reuse of the site, including; the solar panels, panel trackers, anchors, supports and mounts, inverter buildings, electrical conductors, electrical cables, and substation components, other structures and the re-grading of any areas significantly impacted by the removal of any components. Roads may be removed or left in place based upon the landowner's anticipated reuse after decommissioning.

2.2.2 Site Restoration

Restoration of the Project Site will be to a reasonable approximation of its original condition prior to construction allowing for any permanent improvements chosen by the underlying landowners to be left on site as provided in Section 2.3.1. The Final Plans will contain the measures necessary to fulfill Whitney Point Solar restoration obligations.

2.2.3 Timing, Exemptions and Extension

Whitney Point Solar or any Transferee, as the case may be, will decommission the Project and restore the Project Site within twelve (12) months following project termination. The twelve month (12) month period to perform the decommissioning and restoration may be extended for one additional twelve (12) month period if there is a delay caused by forces beyond the control of Whitney Point Solar including, but not limited to inclement weather conditions, planting requirements, equipment failure, wildlife considerations or the availability of equipment or personnel to support decommissioning.

2.2.4 County Access and Reporting

The County will be granted access to the Project site during decommissioning of the Project for purposes of inspecting any decommissioning work or to perform decommissioning evaluations. County personnel must provide a 5-day pre-notification for site access on the Project site and must observe all current owner safety standards and protocols. If requested by the County, Whitney Point Solar will provide monthly status reports until this decommissioning work is completed.

3. DECOMMISSIONING AND RESTORATION FUNDING AND SECURITY

3.1 Decommissioning and Restoration Obligations

Whitney Point Solar or a Transferee, as the case may be, will post a Performance Bond as described in 3.2 below to ensure the availability of funds to cover Whitney Point Solar decommissioning and restoration obligations. Whitney Point Solar will deliver the Performance Bond to Fresno County after receipt of the Conditional Use Permit and prior to the start of construction. The Initial Plan will provide that such estimated costs of Whitney Point Solar potential decommissioning and restoration obligations. The Initial Plan also will provide that such estimated costs will be re-evaluated at the conclusion of construction of the Project and every ten (10) years thereafter from the date of Substantial Completion to ensure sufficient funds for decommissioning and restoration and, if deemed appropriate at that time, the amount of the Performance Bond will be adjusted accordingly.

3.2 Performance Bond

Whitney Point Solar or Transferee, as the case may be, will provide financial security for the performance of its Decommissioning and Restoration obligations assuming the site is restored to agricultural use through a Performance Bond issued by a surety registered with the California State Insurance Commissioner and is, at the time of delivery of the bond, is on the authorized insurance provider list published by the Insurance Commissioner. The performance Bond will be in an amount equal to 100% of the estimated costs for Whitney Point Solar decommissioning and restoration obligations provided in the Initial Plan. The Performance Bond will be for a term of one (1) year, and will be continuously renewed, extended, or replaced so that it remains in effect for the remaining term of the agreement or until the secured decommissioning obligations are satisfied, whichever occurs later.

Landowner Notification

As required by the County of Fresno, the landowner of the Whitney Point Solar Project (consisting of two 20 MW solar projects on parcels APN 060-042-16S and 060-042-17S) must acknowledge receipt of this Decommissioning and Restoration Plan.

Whitney Point Solar, LLC
700 Universe Boulevard
Juno Beach, FL 33493

Date



1120 MAIN STREET
SAN JOSE, CA 95128
C-10 LICENSE #12427



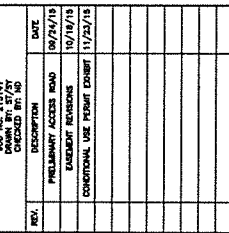
RESOURCES
PRELIMINARY
ALL PRELIMINARY DIMENSIONS SHALL BE USED FOR REFERENCE ONLY.



WESTSIDE & WHITNEY POINT PV SOLAR PLANT
PROJECT TITLE
FIVE POINTS, CA 93624
PROJECT SITE

DATE: 10/15/15
DRAWN BY: J. STAY
CHECKED BY: J. STAY

REV.	DESCRIPTION	DATE
1	PRELIMINARY ACCESS ROAD	09/24/15
2	EMENDATION REVISIONS	10/16/15
3	CONDITIONAL USE PERMITS DOWNSHIFT	11/23/15



SHEET TITLE: SITE OVERVIEW
SHEET NUMBER: EX-1

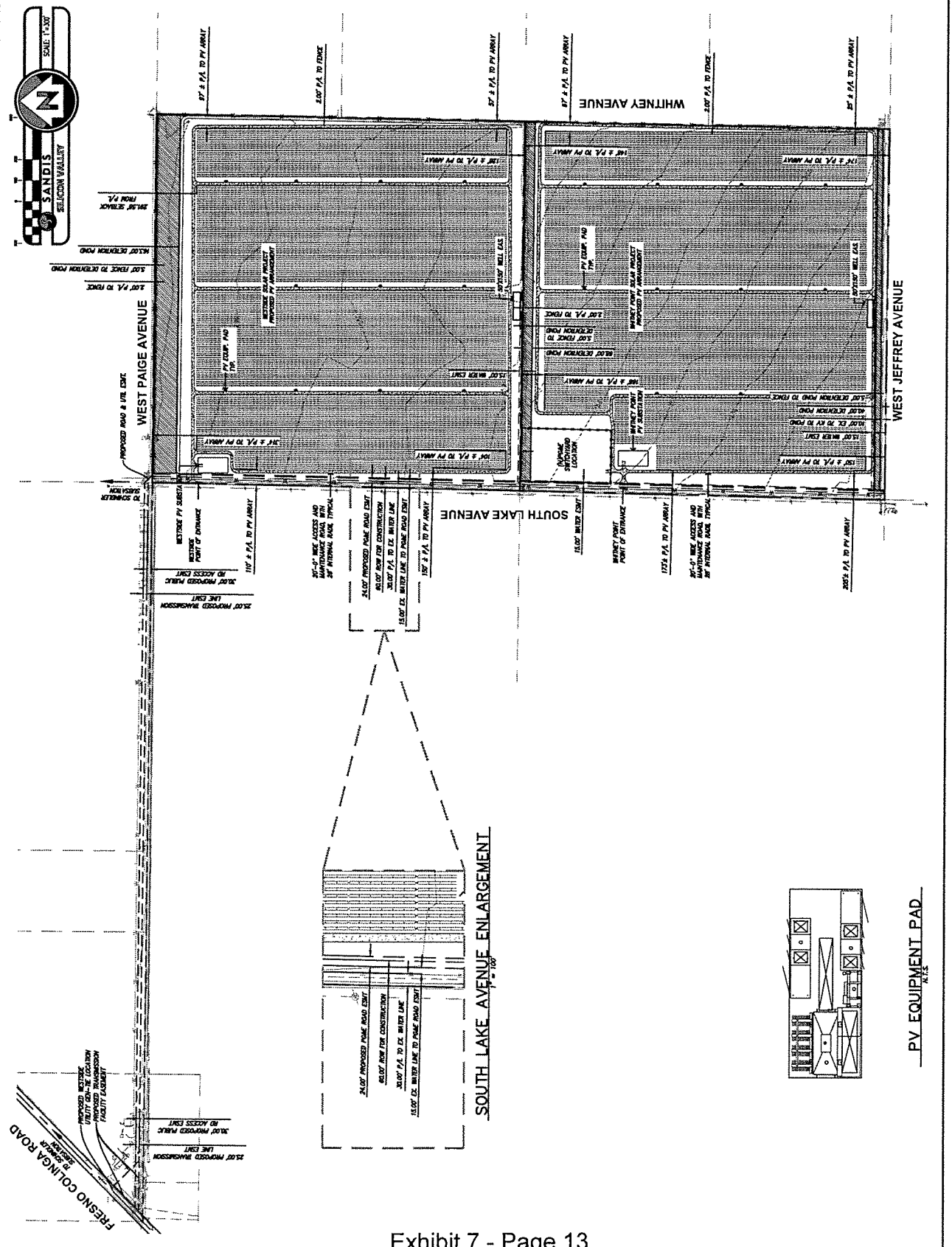


Exhibit 7 - Page 13

**Decommissioning Cost Estimate.
CUP 3518**

Demo					
Item	Description	Unit	Qty	Unit Price	Total
1	Fence Removal	lf	9,600	\$ 15.00	\$ 144,000.00
2	Racking Tables	ea	1,450	\$ 1,000.00	\$ 1,450,000.00
3	Racking Posts	ea	10,150	\$ 15.00	\$ 152,250.00
4	Solar Panels	ea	86,000	\$ 11.00	\$ 946,000.00
5	Inverters	ea	22	\$ 5,000.00	\$ 110,000.00
6	Transformers	ea	11	\$ 5,000.00	\$ 55,000.00
7	Wire (copper)	lb	40,000	\$ 3.00	\$ 120,000.00
8	Wire (aluminum)	lb	70,000	\$ 3.00	\$ 210,000.00
9	Site Restoration	Ac	150.00	\$ 1,000.00	\$ 150,000.00
10	Other (20%)				\$ 667,450.00
	Total Cost				\$ 4,004,700.00

Salvage Value					
Item	Description	Unit	Qty	Unit Price	Total
1	Fencing (Steel)	lb	50,000	\$ 0.15	\$ 7,500.00
2	Racking Tables (1600lb)	lb	1,650,000	\$ 0.15	\$ 247,500.00
3	Racking Posts (60lb)	lb	609,000	\$ 0.15	\$ 91,350.00
4	Solar Panels	ea	86,000	\$ 15.00	\$ 1,290,000.00
5	Inverters	ea	22	\$ 2,000.00	\$ 44,000.00
6	Transformers	ea	11	\$ 2,000.00	\$ 22,000.00
7	Wire (copper)	lb	40,000	\$ 1.18	\$ 47,040.00
8	Wire (aluminum)	lb	70,000	\$ 0.67	\$ 46,900.00
9					
10					
	Total Cost				\$ 1,796,290.00

Net Cost	\$ 2,208,410.00
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Year	Years	Demo Cost	Net Cost
2015	0	\$ 4,004,700	\$ 2,208,410
2016	1	\$ 4,104,818	\$ 2,263,620
2017	2	\$ 4,207,438	\$ 2,320,211
2018	3	\$ 4,312,624	\$ 2,378,216
2019	4	\$ 4,420,439	\$ 2,437,671
2020	5	\$ 4,530,950	\$ 2,498,613
2021	6	\$ 4,644,224	\$ 2,561,079
2022	7	\$ 4,760,330	\$ 2,625,106
2023	8	\$ 4,879,338	\$ 2,690,733
2024	9	\$ 5,001,322	\$ 2,758,001
2025	10	\$ 5,126,355	\$ 2,826,952
2026	11	\$ 5,254,513	\$ 2,897,625
2027	12	\$ 5,385,876	\$ 2,970,066
2028	13	\$ 5,520,523	\$ 3,044,318
2029	14	\$ 5,658,536	\$ 3,120,426
2030	15	\$ 5,800,000	\$ 3,198,436
2031	16	\$ 5,945,000	\$ 3,278,397
2032	17	\$ 6,093,625	\$ 3,360,357
2033	18	\$ 6,245,965	\$ 3,444,366
2034	19	\$ 6,402,114	\$ 3,530,475
2035	20	\$ 6,562,167	\$ 3,618,737
2036	21	\$ 6,726,221	\$ 3,709,205
2037	22	\$ 6,894,377	\$ 3,801,935
2038	23	\$ 7,066,736	\$ 3,896,984
2039	24	\$ 7,243,405	\$ 3,994,408
2040	25	\$ 7,424,490	\$ 4,094,269
		185.4%	185.4%

RECEIVED
COUNTY OF FRESNO

DEC 04 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3518

120 tables
8 modules per table
960 modules
18313 lbs total
19.08 racking lbs per module



EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Jess Melin/Whitney Point Solar, LLC
- APPLICATION NOS.: Initial Study Application No. 7053 and Unclassified Conditional Use Permit Application No. 3518
- DESCRIPTION: Allow modification of a photovoltaic solar power generation facility with related improvements authorized by Unclassified Conditional Use Permit No. 3295 on two parcels totaling 320 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues approximately one mile east of Fresno-Coalinga Road (State Route 145) and 3.3 miles southwest of the unincorporated community of Five Points (SUP. DIST. 4) (APNs 060-042-16S; 060-042-17S).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The project site is located in an agricultural area in the southwestern portion of Fresno County.

No scenic vista, scenic resources, or historic buildings that may be impacted by the proposed project were identified on or near the site. The site is not located along or near a State Scenic Highway. The proposed project will have no impact on scenic resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Unclassified Conditional Use Permit (CUP) No. 3295 approved in 2011 authorized a photovoltaic solar power generation facility on two 160-acre parcels consisting of an approximately 214,800 ground-mounted photovoltaic (PV) modules with a capacity of generating 40 megawatts of alternating current (MV-AC). Related improvements included two 20,000 square-foot operation and maintenance (O&M) buildings, two 23,650 square-foot plant switchyards, 50,000 gallon water storage tanks, on-site storm water retention basins, and parking. A recently approved one-year time extension has allowed the project additional time until July 21, 2016 to start construction.

The subject proposal will modify the CUP3295 by eliminating O&M buildings, two gravel parking and construction laydown areas measuring approximately 12-acres apiece (one on each 160-acre site) and add a Pacific Gas and Electric (PG&E) switch yard on a five-acre portion of the southerly 160-acre parcel. Other changes include readjustment of solar arrays, interior roads, site ingress and egress, ponding basins, and Westlands Water District well easements. An estimated 20 MV of electricity will be produced on a 160-acre northerly parcel (Westside Solar) and 20 MV of electricity will be produced on a 160-acre southerly parcel (Whitney Point Solar). All electricity produced on the subject properties will be delivered to Pacific Gas and Electric's (PG&E) existing regional transmission network.

Buildings and structures for the subject proposal include photovoltaic (PV) solar module arrays (85,434 modules for Westside Solar and 84,376 modules for Whitney Point Solar) with related equipment, a series of inverters, two power distribution centers housed in 15-foot-tall pre-fab structures (PV substations), a PG&E switchyard with single-story buildings including a 110-foot-tall telecommunications tower and transmission poles 85 to 100 feet in height, and a six to eight-foot-tall perimeter security fence. The PV solar module arrays would be mounted onto single-axis tracker systems facing due south. The tracker panels would be arranged in rows and be approximately five (5) feet in height when in a horizontal position and up to eight (8) feet in height when in a pitched position.

A new gen-tie transmission line would be constructed to deliver electricity from the 160-acre northerly parcel. The subject 70kV overhead tie-line will run approximately one mile along Paige Avenue and will connect to Schindler-Coalinga # 2 line to the west of the proposal. Approximately 14 poles, up to 85 feet in height, will be added along the length of the gen-tie-line. A five-acre switchyard will be constructed for Pacific Gas & Electric (PG&E) to deliver electricity from a 160-acre southerly parcel to a nearby grid,

The entire 320-acre project site consists of disturbed farmland previously used for agricultural production and contains no structures. Adjacent parcels to the north, south, east and west are also farmland with a portion of easterly parcel containing a photovoltaic (PV) solar power generation facility. The nearest single family residence is approximately 4,636 feet west of the site.

The proposed solar power generation facility will have relatively low visibility from the surrounding area. Apart from the new utility poles to connect the facility to PG&E's

electrical distribution system and 15-foot-tall pre-fab structures, a majority of the project site will be occupied with racking systems and photovoltaic (PV) module arrays that will have an overall height up to eight (8) feet. Considering the relatively low visibility of the facility improvements, staff believes the proposed solar power generation facility, or the new utility poles along the Westside gen-tie 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:

Outdoor lighting for surveillance purposes may be installed at the photovoltaic (PV) substations and PG&E switchyard that have the potential of generating new sources of light and glare in the area. As such, all outdoor lighting shall be required to be hooded and directed downward so as to not shine towards adjacent properties and public streets. This requirement will be included as a Mitigation Measure.

* **Mitigation Measure**

1. All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.

In regard to potential glare impacts, solar panels are notable for creating reflections or glare observed by drivers. The project site is approximately one-mile east of Fresno-Coalinga Road (State Route 145) which carries significant traffic volumes. Given the distance, potential glare impacts would not affect traffic at State Route 145. Other roads adjacent to the project site are rural roads and do not carry significant daily traffic volume to be significantly impacted by the glare.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide 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, and is not subject to a Williamson Act Contract.

Supplemental project information for the proposed solar power generation facility in compliance with the "Solar Facility Guidelines" (Supplemental Information), approved by the Fresno County Board of Supervisors on May 3, 2011, and revised on May 21, 2013, was submitted by the Applicant on October 19, 2015 and reviewed by various agencies and departments.

As noted in response to Item No. 1 of the Supplemental Information related to Agricultural History, the project site has been fallow due to a lack of water for irrigation or dry cultivated with wheat from 2007 through 2015.

As noted in response to Item No. 4 of the Supplemental Information related to Soils, the Department of Conservation Land Evaluation and Site Assessment (LESA) Land Capability Classification (LCC) classifies the project site as IIIs/IIIw based upon a scoring of 60 points out of a possible 100. Prime farmland has a score of 100. The site is composed of Soil Unit 475-Posochanet clay loam and is designated as Farmland of Statewide Importance, per the State's Farmland Mapping and Monitoring Program.

In compliance with Item No. 6 of the Supplemental Information related to the Reclamation Plan, the Applicant has submitted updated Integrated Pest Management Plans for Rodent and Weed Control on the property. The Fresno County Agricultural Commissioners' Office reviewed the Plans, found them adequate, and offered no comments. A Mitigation Measure would require that the project shall comply with the updated Integrated Pest Management Plans in order to control weeds and rodents on the property that may impact adjacent properties.

In compliance with Item No. 9 of the Supplemental Information related to the Reclamation Plan, a Condition of Approval would require that the Applicant shall sign the Fresno County Right-to-Farm Agreement regarding the inconveniences and discomfort associated with normal farm activities in areas surrounding the proposed development.

As noted above, the project site has been fallow or dry cultivated in the past and will not result in a permanent conversion of farmland to a non-agricultural use. At the end of useful life or discontinuance after 25 to 30 years of solar power generating activities, the project will be decommissioned and the site will be returned to prior condition per the Project Decommissioning and Site Reclamation Plan provided by the applicant. Through that process, project components, including interior roads, will be dismantled and removed; the site will be back-filled and restored to natural contour; nutrient content of the soil will be restored to pre-construction concentration levels (if degraded); and soil stabilization techniques will be deployed to prevent topsoil erosion.

A Condition of Approval would require that the Site Restoration Plan shall run with the land and be stipulated in a covenant between the applicant/property owner and the County of Fresno. Likewise, prior to issuance of building permits, a mitigation measure would require the applicant for this proposal to submit financial assurances equal to the cost of land reclamation to its prior condition. These financial assurances would be based on an engineering cost estimate provided by the applicant for the proposal. This requirements is to ensure that the reclamation is performed according to the approved Plan. The project will adhere to the following mitigation measures.

* **Mitigation Measures**

1. The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any construction permits, 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 to run with the land, requiring the site to be restored to an agricultural use at the cessation of operation.
2. The project shall comply with the Integrated Pest Management Plan for Rodent Control and Integrated Pest Management Plan for Noxious Weed Control provided by the applicant on October 19, 2015 in order to control weeds and rodents on the property that may impact adjacent properties.

As noted above, the project site is not under a Williamson Act Contract. Review of the project by the Fresno County Department of Agriculture (Agricultural Commissioner's Office) and other departments/agencies did not require a Conservation Easement for the project as a method to protect agricultural land of equal or greater value to the land being converted to the proposed 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 non-farmland. LESA was not utilized for this project. The proposed development will not convert the project site permanently into a non-agricultural use (solar power generation facility) as in accordance with the Applicant's Reclamation Plan, the subject parcels will be restored to agricultural use following the cessation of the proposed 25 to 30 years of solar power generation. As such, impacts resulting from this proposal on the subject parcel are limited in scope. Further, neither the Fresno County Department of Agriculture (Agricultural Commissioner's Office) 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

To comply with San Joaquin Valley Control District Rule 9510 (Indirect Sources Review), the applicant has submitted an Air Impact Assessment (AIA) Application (No. C-20100202) and an Air Impact Analysis to the Air District conducted by DUDEK, dated August 24, 2015. The analysis used California Emissions Estimator Model (CalEEMod) version 2013.2.2. to analyze the project specific information (estimated construction schedule and construction equipment) based on the information provided by the project owner, Whitney Point Solar, LLC.

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the AIA Application and Air Impact Analysis and confirmed the project compliance with District Rule 9510.

Other Air District rules that would apply to this proposal include: 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), and Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations).

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

FINDING: NO IMPACT:

Odors omitted by the project will be so minor that people in the area would not be affected.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project was routed to the California Department of Fish and Wildlife (CDFW) and US Department of Fish and Wildlife (USFWL) for review and comments.

According to CDFW, the comments provided by the agency in a letter dated May 14, 2015 during a third one-year time extension for CUP 3295 remains valid for the subject amendment. The letter recommends that the project shall adhere to certain measures outlined in the letter in order to remain in compliance with the Fish and Game Code, California Endangered Species Act (CESA) and Migratory Bird Treaty Act (MBTA). The letter also states that the California Natural Diversity Database identifies three historic Swainson's hawk (SWHA) nets sites within 10 miles of the project site and two San Joaquin kit fox (SJKF) detections within 10 miles of the project site; the project site provides suitable foraging opportunities for SWHA and suitable foraging and denning opportunities for SJKF; the project-related impacts to SWHA and SJKF may warrant obtaining an Incidental Take Permit (ITP) prior to starting project-related activities; and burrowing owl (BUOW) and other bird species known to occur in the vicinity of the project site could be impacted by project activities should they occur during the breeding season (January 1 through September 15). No concerns with the proposal were expressed by the USFWL.

Unclassified Conditional Use Permit (CUP) No. 3295 approved on July 21, 2011 authorized a 40 megawatt (MW) photovoltaic solar power generation facility on two 160-acre parcels consisting of 214,800 ground-mounted photovoltaic (PV), two 20,000 square-foot operation and maintenance (O&M) buildings, two 23,650 square-foot plant switchyards, 50,000 gallon water storage tanks, two 12 acres gravel parking areas for laydown of materials and supplies during construction, on-site storm water retention basins, and parking. Subsequently, three yearly time extensions were approved which allowed the project additional time for construction. The third one-year time extension, approved on June 18, 2015, allowed the project additional time for construction until July 21, 2016.

The subject proposal is to modify CUP No. 3295 by eliminating two O&M buildings, two gravel parking and construction laydown areas, each 12 acres in size (replaced with solar panels) and add a Pacific Gas and Electric (PG&E) switch yard on a five-acre portion of the southerly 160-acre parcel. Other changes include readjustment of solar arrays, interior roads, site ingress and egress, ponding basins, and Westlands Water District well easements.

At the time the application for CUP 3295 was processed, the project information and Initial Study (IS) No. 6277 prepared for the project were routed to the California Department of Fish and Wildlife (CDFW) for review and comments. The CDFW offered no comments on the project at the time and CUP 3295 was approved by the Planning Commission with the understanding that the project will have no impacts on biological resources. CDFW did comment on the project but late. Comments were provided for

approved CUP No. 3295 on May 14, 2015 during third time extension which required no changes to the project.

The subject property is entitled for the development of a solar power generation facility approved by CUP 3295 and could be constructed without the need for any further discretionary approval, such as the subject application. Therefore, the baseline condition against which to measure the impacts of the requested changes is based on the two 160-acre parcels being developed property and therefore not suitable for Swainson's hawk foraging habitat.

As noted above, the subject proposal entails modifications to a solar power generation facility approved by CUP 3295. The modifications include elimination of O&M buildings, gravel parking and construction laydown area and addition of a Pacific Gas and Electric (PG&E) switch yard. These modifications are small in nature and will be confined within the boundaries of 320-acre project site, thereby allowing the current circumstances near the project site to remain unchanged or affected by this proposal. The project will not result in disturbance of additional lands, or change/modify the path of gen-tie transmission line along Paige Avenue approved by CUP 3295. Regarding impacts on biological resources, the site configuration approved for CUP 3295 contains no areas of open space or landscaping. As such, the approved Site Plan for CUP 3295 includes no undeveloped open space, and therefore provides no habitat or foraging value. Regarding impacts on biological resources in the vicinity of project site, information in the surveys conducted by the applicant's biologist and provided to the California Department of Fish and Wildlife (CDFW) has suggested sufficient Sawinson's hawk (SWHA) foraging habitat in the area for the available nesting opportunities.

Given the above discussion, and no identified changes in circumstances or regulations from the environmental analysis identified in Mitigated Negative Declaration for CUP 3295, it has been determined that the proposal will have a less than significant impact on biological resources.

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

FINDING: LESS THAN SIGNIFICANT IMPACT

The project site contains no wetlands or waters of the United States. Given the properties current state and non-existence of wetlands or water channels on them, no impacts were identified in regards to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW), or U.S. Fish and Wildlife Service (USFWS); 3) federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT

No sensitive plant communities were identified to exist on the project site or along the Westside gen-tie alignment. The project will not be in conflict with any local policies or ordinances protecting biological resources.

- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT

The project site is not included in any existing 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 or moderately sensitive for archeological resources. However, in the event that cultural resources are unearthed during ground disturbing 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 ground disturbing activity, 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.

* **Mitigation Measure**

1. In the event that cultural resources are unearthed during ground disturbing 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 ground disturbing activity, 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.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

With adherence to the above-noted Mitigation Measure, the project will not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074

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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT:

The project site is located in an area designated as Seismic Zone 4 in the California Geological Survey. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides. Construction of the proposed solar power generation facility will be subject to the Seismic Zone 4 Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicant, topsoils excavated for drainage retention features would be redistributed across the site beneath the panel installation areas, and all existing soil would be retained on-site for the minor re-contouring of site grades for internal roadways, foundations, and drainage control.

No significant grading activities are expected from the development of the proposed solar power generation facility. The racking systems and photovoltaic (PV) module arrays require a moderately flat surface for installation, which is characteristic of the subject parcels' topography. However, some earthwork such as grading, fill, and compaction may be required to accommodate the placement of the racking systems and PV module arrays, subterranean conduits, footings, foundations, access roads, and drainage features.

According to the comments provided by the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties may be required and provided for review and approval; and 2) a grading permit or voucher shall be required for any grading proposed with this application.

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

FINDING: NO IMPACT:

Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief (slopes less than two-percent), which precludes the possibility of land sliding on site. The potential for seismic-related ground failure (liquefaction, lateral spreading, and lurching) occurring on the project site is minimal because of the absence of high groundwater levels.

The project site is not in an area identified by Fresno County as being susceptible to liquefaction. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on site.

The San Joaquin Valley in which Fresno County is located is known to experience subsidence. However, the proposed project will not use groundwater and therefore will have no impact on subsidence.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project would implement all applicable requirements of the most recent California Building Standards Code, which provides criteria for the design of structures. Therefore, the development of the project would not expose persons or structures to hazards associated with shrinking and swelling of expansive soils.

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

FINDING: NO IMPACT:

The project would not include the use of septic tanks or alternative wastewater disposal systems. No wastewater facilities would be constructed as part of the project. During construction of the project, temporary portable toilets will be provided for the workers. Once operational, the proposed project will be unmanned.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted by the applicant, the Pacific Gas and Electric's (PG&E) switchyard operation has negligible air emissions. Long-term operation of solar facilities will improve air quality compared to other types of electrical generation. The subject proposal will assist in achieving the State of California objective of requiring generation of electricity through alternate means not involving greenhouse gas emissions.

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. The project has complied with the District Rule 9510 requirements. Additionally, the project will comply with Air District Rules discussed in Section III. A.B.C.D. Air Quality, during construction.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility would not produce, transport, or release any hazardous waste into the environment.

Pacific Gas and Electric's (PG&E) substation would employ minor quantities of materials with hazardous characteristics. The switchyards would include appropriate secondary containment around any equipment containing hazardous materials. Transformers are proposed to employ non-hazardous vegetable oils as dielectric fluid.

Electrical switchyards and solar electrical panels are not subject to risk of upset involving explosion or other catastrophe with the potential for release of significant quantities of hazardous materials to the environment.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and requires the following: 1) facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; 2) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 2) all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

No schools are located within one-quarter mile of the project site. The nearest school, Westside Elementary School, is approximately 0.8 mile north of the proposal.

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

FINDING: NO IMPACT:

The site is not listed on a Government Code Section 65962.5 hazardous materials site.

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

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

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan area, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Westside Field Station Airport, is approximately 2.4 miles south of the proposal.

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

FINDING: NO IMPACT:

The proposal will not impair implementation of or physically interfere with an adopted emergency response plan.

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

FINDING: NO IMPACT:

The project is not located within a wildland fire area.

IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), in an effort to protect ground water, all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor. For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Health Department prior to commencement of work.

This proposal was also referred to the Regional Water Quality Control Board, Central Valley Region for review and comments. No concerns were expressed by that agency in regards to impact on groundwater. The project will be subject to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit requirements.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant, approximately 0.25 acre-feet (8,600 gallons) of water will be used for each one-time washing of all photovoltaic (PV) modules on the 320-acre project site. If the cleaning occurs four times a year, approximately one acre-foot (326,000 gallons) of water will be required. Washing will be conducted with water imported to the site via tanker trucks. Potable water will be supplied to construction crews via bottled water for drinking purposes.

A Will-Serve letter dated December 2, 2015, provided by Westlands Water District (District), indicates that: 1) the project site is within the District's service area and is entitled to receive water from the District's Municipal and Industrial (M&I) supply through the District's Central Valley Project (CVP) contract subject to the Regulations and Terms and Conditions established by the District for M&I use; 2) the District will make available up to 5 (five) acre-feet per 160 acres annually for construction and operation of proposed solar facility via current delivery points located one on each 160-acre parcel; 3) the Applicant must request and receive an exemption from the Compliance Agreement between the District and the State Water Resources Control Board (SWRCB), Department of Drinking Water, that restricts the District's ability to provide

M&I service to non-resident facilities; 4) if an exemption is granted by the SWRCB, signs shall be posted at all outlets where human contact may occur indicating that the water delivered by the District is non-potable; 5) the applicant shall provide bottled water and/or potable water for consumption at the project site with documentation provided to the District; and 6) the Applicant must comply with the District's Backflow Prevention regulations for water system connections.

The Water/Geology/ Natural Resources Section of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns with the project as it relates to water quantity. The project is not located in a water short area and will not use groundwater.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

No streams or rivers exist on the project site. The proposal would not result in flooding on-site or off-site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B, Geology and Soils. Per the comments from the Development Engineering Section of the Department of Public Works and Planning, any additional runoff generated by the proposed development of the site cannot be drained across property lines and must be retained, or disposed of, per County standards. As noted by the applicant, during site preparation, onsite retention basins will be created for hydrologic control.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A.

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

FINDING: NO IMPACT:

No additional housing is proposed with this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 2825 H, the subject parcels are not subject to flooding from the one-percent chance rain.

- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

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

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This proposal will not physically divide a community. The project site is located approximately 3.3 miles southwest of the unincorporated community of Five Points.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcels are designated Agriculture in the Fresno County General Plan and are zoned AE-20 (Exclusive agriculture, 20-acre minimum parcel size) in the County Zoning Ordinance. Provisions for certain non-agricultural uses such as the proposed use have been provided for in the Fresno County Zoning Ordinance and General Plan.

General Plan Policy LU-A.3 of the General Plan provides that electrical power generating facilities may allow 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 surrounding agricultural area which cannot be provided within urban areas. Criteria LU-A. 3.b. states that the use should not be sited on productive agricultural lands 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 or the use or management of surrounding properties within one quarter-mile radius. Criteria LU-A. 3.d. states that a probable workforce should be located nearby or be readily available.

With regards to Criteria "a", the proposed solar generation facility 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 regards to Criteria “b”, the project site has been fallow or dry farmed in the last nine years due to a lack of water for irrigation. Further, the site will be restored to pre-development condition upon secession of solar operations in 25 to 30 years. With regards to Criteria “c”, this proposal is not located in a water short area and will not utilize ground water. With regards to Criteria “d”, the unincorporated community of Five Points is approximately 3.3 miles northeast of the project site and has the ability to provide an adequate workforce for construction or decommissioning of the project.

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.

The “Solar Facility Guidelines” (Supplemental Information) approved by the Fresno County Board of Supervisors on May 3, 2011 and revised on May 21, 2013 require measures to create a buffer between proposed solar facilities and adjacent agricultural operations. The proposed solar power generation facility will have a six to eight-foot-tall perimeter security fencing, and all structures will maintain a minimum 50-foot setback from the outer boundaries of the project site. Additionally, the site will be restored to an agricultural use after the proposed 25 to 30 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

There was no specific Habitat Conservation Plan or Natural Community Conservation Plan identified for this proposed project site.

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 levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Potential sources of noise during the construction phase of the project include noise from the use of heavy construction-related equipment and noise from traffic generation. The use of heavy equipment may also potentially generate some amount of localized ground-borne vibration. Potential sources of noise during the proposed solar facility's operational phase that have been identified include inverter noise, tracking motor noise, noise from the washing of panels, other maintenance activities, and from clearing of vegetation. The nearest sensitive receptor to the project site is a single family residence located approximately 4,636 feet west of the proposal.

The Fresno County Department of Public Health, Environmental Health Division, reviewed this proposal and did not identify any potential noise-related impacts. However, development of the proposed solar power generation facility 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. .

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion 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:

This proposal was reviewed by the Fresno County Fire Protection District (CalFire) which did not identify any concerns with the project. The proposal shall comply with the latest 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 requirement will be addressed through the Site Plan Review that will be required as a Condition of Approval.

2. Police protection; or

3. Schools; or

4. Parks?

FINDING: NO IMPACT:

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

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

The proposed solar power generation facility will be located on two 160-acre parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Photovoltaic (PV) modules with a capacity of generating 40 megawatts of alternating current (MW-AC) will convert sunlight into electrical energy which will be delivered to the Pacific Gas and Electric (PG&E) Company's existing regional transmission network with voltage transmission equipment and system safety equipment constructed on the project site.

For the delivery of 20 MV electricity produced at the 160-acre northerly parcel (Westside Solar), a new generation tie-in (gen-tie) transmission line will be constructed. This 70 KV overhead tie-line will run approximately one-mile along Paige Avenue and connect to Schindler-Coalinga # 2 line to the west of the property. The gen-tie line will be located within a 25-foot wide transmission line easement of Paige Avenue that traverses through private properties (an easement agreement has been executed between the

project proponent and the owner of the properties). For the delivery of 20MV electricity produced at 160-acre southerly parcel (Whitney Point Solar) to the nearby grid, a five-acre switchyard owned and operated by the Pacific Gas & Electric (PG&E), will be constructed on the subject property.

The project was routed to the California Public Utility Commission (CPUC), and no concerns were expressed by that entity.

XV. RECREATION

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

FINDING: NO IMPACT:

No impacts on recreational resources were identified in the analysis.

XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Access to the project site will be from Fresno-Coalinga Road (State Route 145) via a 30-foot wide proposed public road access easement along Paige Avenue. Paige Avenue connects to S. Lake Avenue along the site's westerly boundary. Access to the site will be from Lake Avenue.

According to the applicant, construction of a 20 MV solar power generation facility on a 160-acre site will take nine-months. Sites will be developed one at a time or both at the same time.

The anticipated number of workers and deliveries through the nine-month construction schedule include 133 construction personnel trips and 10 delivery truck trips in and 14 construction personnel trips and 10 delivery truck trips out of each 160-acre site during morning peak hours. These numbers will reverse in the afternoon peak hours. The total commute trips to and from the site in the morning and afternoon peak hours would be 157 per day. During operation of the facility, up to two security or maintenance personnel will visit the site to perform required routine functions. For periodical cleaning of the photovoltaic panels, up to four personnel over a period of 10-days will visit the site.

The California Department of Transportation and County Design Division of the Department of Public Works and Planning reviewed the project and did not identify any impacts upon the carrying capacities of the adjacent roadways. No Traffic Impact Study was required by either entity based on the limited time period for peak construction activity.

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

FINDING: NO IMPACT:

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

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

- E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT NO IMPACT:

The County Design Division, Development Engineering Section, and California Department of Transportation (Caltrans) reviewed the project and identified no concerns with respect to increased traffic hazards or emergency access.

The project site is bordered by private roads (Lake, Jeffrey, Paige Avenues) which are exempt from County road requirements. However, the project review by Road Maintenance and Operation Division of the Fresno County Department of Public Works and Planning suggests that the proposed 30-foot-wide public road access easement from Fresno-Coalinga Road (State Route 145) to the site should be gravel or require dust palliative to prevent the creation of dust by vehicles during construction of the project

- 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 new water or wastewater treatment facilities?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. E.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Once operational, the proposed solar power generation facility will utilize up to two security/maintenance personnel to perform required routine functions and up to four personnel for solar panel washing. Considering the limited number of workers to be present at the facility on a regular basis, this proposal will generate minimal solid waste and therefore not have a significant impact on area landfills. Further, as discussed in Section VIII A. B. C. of this analysis, all hazardous waste shall be handled in accordance with the requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the project will not impact sensitive biological resources. Included Mitigation Measure in Section IV. A.B.C.D.E.F. will minimize impact on cultural resources to less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study (IS) No. 7053 prepared for Unclassified Conditional Use Permit Application No. 3518 staff has concluded that the project will not have a significant effect on the environment. It has been determined that there will be no impacts to mineral resources, population and housing, or recreation.

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

Potential impacts to aesthetics, agriculture and forestry resources, and cultural resources, have been determined to be less than significant with the identified mitigation measures.

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

EA:

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EXHIBIT 9

Inter Office Memo



DATE: July 21, 2011

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12252 - INITIAL STUDY APPLICATION NO. 6277
AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION
NO. 3295

APPLICANT: Whitney Point Solar, LLC

OWNER: Joe Coelho

REQUEST: Allow a photovoltaic solar power generation facility with related improvements on two contiguous parcels of land totaling 320 acres in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues approximately one mile east of Fresno-Coalinga Road (State Route 145) and 3.3 miles southwest of the unincorporated community of Five Points (SUP. DIST.: 4) (APNos: 060-042-16S and 17S).

PLANNING COMMISSION ACTION:

At its hearing of July 21, 2011, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Mendes and seconded by Commissioner Ferguson to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended findings of fact in the Staff Report; and approve Unclassified Conditional Use Permit Application No. 3295, subject to the conditions listed in Exhibit "B."

EXHIBIT "A"

Initial Study Application No. 6277
Conditional Use Permit Application No. 3295

Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2011, and heard a summary presentation by staff.

Applicant: The applicant concurred with the Staff Report and the recommended conditions. He described the project and offered the following information to clarify the intended use:

- The project is a ground-mounted single-axis tracking system which contains 215,000 solar panels supported by 15,000 foundations producing 47 megawatts of Alternating Current (AC) electricity.
- The project will create approximately 140 construction jobs and bring approximately 25 million dollars to Fresno County during construction while providing renewable energy for 20,000 homes.
- The site was selected based on the potential for minimal impacts to the environment and the ease of supplying power to the Pacific Gas and Electric (PG&E) power grid; this criteria was applied to 1,000 properties which resulted in the subject property being chosen for this project.
- The site bears no hydrological features with little or no site slope located on non-Prime Farmland.
- The Westlands Water District bought the property from the United States Government and sold it to Coelho Farms.
- The property was part of Peck Lawsuit that dealt with perched water in the Westlands Water District area; due to the lawsuit and the non-irrigation covenant, the property was not feasible to farm and has been dry-farmed the past two years.
- The project will use one-acre foot per-year of water; this is less water than is typically used for agricultural or domestic purposes.

- The northerly parcel will connect to a PG&E transmission line that runs along State Route 145 and the southerly parcel will connect to a PG&E line that runs along S. Lake Avenue.
- The property has no water allocation from the Westlands Water District; water will be purchased from an available source at the District's turn-out.
- We did significant public outreach for the project by holding public opinion surveys and briefing both stakeholder groups and public officials.
- We will post a performance bond for restoration to address site reclamation if the project ceases operation.

Others: One other individual presented information in regards to the ownership history of the property and prior farming activities.

Correspondence: No letters were presented to the Planning Commission in favor of or in opposition to the application.

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EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 6277
Conditional Use Permit Application No. 3295

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 project shall comply with Solar Facility Guidelines and "Project Decommissioning and Site Restoration Plan" attached as Exhibit 7 to the Staff Report and as approved and/or modified by the Commission.
3. A Site Plan Review 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. The Site Plan Review shall be applicable to those portions of the project site(s) to be improved with maintenance buildings, switchyards, water tanks and detention ponds excluding the solar panel fields. Items to be addressed under the Site Plan Review 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 Site Plan Review 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. 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.
- *6. All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A

change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

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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 21, 2011

SUBJECT: Initial Study Application No. 6277
Unclassified Conditional Use Permit Application No. 3295

Allow a photovoltaic solar power generation facility with related improvements on two contiguous parcels of land totaling 320 acres in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues approximately one mile east of Fresno-Coalinga Road (State Route 145) and 3.3 miles southwest of the unincorporated community of Five Points (SUP. DIST.: 4) (APNos: 060-042-16S and 17S).

Representative: Dan Predpall
Applicant: Whitney Point Solar, LLC
Owner: Joe Coelho

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4205

Chris Motta, Senior Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 6277; and
- Approve Unclassified Conditional Use Permit Application No. 3295 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 not have any substantial effect on job creation.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Site Plan
5. Elevations/Right-of-Way
6. Applicant's Submitted Operational Statement
7. Solar Facility Guidelines/Project Decommissioning and Site Restoration Plan
8. Summary of Initial Study Application No. 6277
9. Required Findings Necessary for the Granting of a Conditional Use Permit Application as Specified in Zoning Ordinance Section 873
10. Project Supportive Material Submitted By Applicant
11. Public Correspondence

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	N/A
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	N/A
Parcel Size	320 acres	N/A
Project Site	Vacant; currently unfarmed	Photovoltaic solar power generation facility with supportive and appurtenance structures
Structural Improvements	None	214,800 ground-mounted photovoltaic panels; 20,000 square-foot operations and maintenance building; 23,650 square-foot plant switchyard; 50,000-gallon water storage

Criteria	Existing	Proposed
		tank; stormwater retention basins; parking area; and six-foot tall chain link fence
Nearest Residence	2,988 feet northwest of project site	No change
Surrounding Development	Parcels adjoining to the north, south, east and west of the site are farmland	No change
Operational Features	N/A	See above "Project Site"
Employees	N/A	Two (2) security or maintenance personnel during operation; four (4) maximum personnel for ten-day panel cleaning period
Customers	N/A	None
Traffic Trips	N/A	Two (2) security or maintenance personnel maximum daily; intermittent panel washing for ten-day periods with up to four personnel
Lighting	N/A	Lighting for Operation and Management Buildings; plant switchyards; and for surveillance purposes
Hours of Operation	N/A	Year-round, 24-hours a day

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 8.

Notice of Intent of Negative Declaration publication date: June 24, 2011

PUBLIC NOTICE:

Notices were sent to eight property owners within 300 feet of the subject property satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A 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 (Exhibit 9).

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

ANALYSIS / DISCUSSION:

Finding 1: Adequacy of the Site

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (Jeffrey Avenue): 65 feet to 81.7 feet (includes 30 foot road right-of-way) Street Side (Lake Avenue): 65 feet to 228.5 feet Side (east property line): 45.5 feet to 78 feet Rear (north property line): 402.4 feet	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum	N/A	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	None required	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	None required	N/A

Reviewing Agency/Department Comments regarding Site Adequacy:

Zoning Section of the Development Services Division: Proposed improvements satisfy 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 meet minimum building setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Based on the above information, staff believes the site is adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 can be made.

Finding 2: *Adequacy of Streets and Highways*

		Existing Conditions	Proposed Operation
Private Road	Yes	Paige and Jeffrey Avenues	No change
Public Road Frontage	No	N/A	N/A
Direct Access to Public Road	No	N/A	N/A
Road ADT		N/A	N/A
Road Classification		N/A	N/A
Road Width		Unknown	No change
Road Surface		Paige Avenue: Unpaved	No change
Traffic Trips		N/A	Two (2) security or maintenance personnel trips maximum and approximately four panel washing events annually (10-day period; 2 to 4

		Existing Conditions	Proposed Operation (personnel)
TIS Prepared	No	Insignificant increase	Not required by California Department of Transportation or County of Fresno
Road Improvements Required		N/A	None required

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

Design Division: No concern with the proposal related to vehicular traffic; preparation of a Traffic Impact Study (TIS) was not required.

Road Maintenance and Operations Division: Any ingress/egress developed to access a County-maintained road from Jeffrey Avenue or Paige Avenue alignments will require an Encroachment Permit. Any improvements proposed shall setback 30 feet plus zoning setback east of the section line of Lake Avenue and 30 feet plus zoning setback north of the section line of Jeffrey Avenue (the proposal meets building setback requirements for the AE-20 Zone District). Plans for the improved access road shall be submitted and reviewed prior to approval and issuance of an Encroachment Permit.

California Department of Transportation (Caltrans): The Applicant shall submit plans to meet Caltrans standards and specifications and obtain an Encroachment Permit.

The aforementioned 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:

Based on the above information and with adherence to the project Notes regarding mandatory requirements, staff believes that the section of Paige Avenue and Jeffrey Avenue at the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

- *None.*

Conclusion:

Finding 2 can be made.

Finding 3:

Adverse Effects Upon Surrounding Properties

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	160 acres	Farmland	AE-20	2,988 feet to the northwest
South	160 acres	Farmland	AE-20	None
East	80 acres; 160 acres	Farmland	AE-20	None
	Size:	Use:	Zoning:	Nearest Residence:
West	309 acres 280 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

Development Engineering Section of the Development Services Division: Paige and Lake Avenues are private roads and are not maintained by the County. Any additional run-off generated by the proposed development cannot be drained across property lines and must be retained on-site per County Standards. The northwesterly area of Assessor's Parcel Number (APN) 060-042-06 is in Flood Zone A and is subject to flooding from a 100-year storm. Any work within this designated Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.

An Engineered Grading and Drainage Plan is required to show how additional stormwater run-off generated by the proposed development will be handled without adversely impacting adjacent properties. The Grading and Drainage Plan shall provide the calculations to support the required and provided capacity of the two proposed on-site basins to be used for storage of stormwater run-off. Any proposed parking area should comply with the Fresno County Off-Street Parking Design Standards. Any existing or proposed entrance gate shall setback a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall swing outward. A Grading Permit or Voucher is required for any grading proposed with this application.

Fresno County Fire Protection District: The proposal 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 for the District's review and approval.

Fresno County Agricultural Commissioner's Office (Ag Commissioner): The Applicant is advised that 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. An agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall also be entered into with Fresno County.

Fresno County Department of Public Health, Environmental Health Division: Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. Should a water well be drilled, the water well contractor selected shall be required to apply for and obtain a Permit to Construct a Water Well from the Environmental Health Division of the Fresno County Department of Public Health.

San Joaquin Valley Air Pollution Control District (Air District): The project is subject to District Rule 9510 (Indirect Source Review) and requires submittal of an Air Impact Assessment (AIA) Application no later than applying for the final discretionary approval (the Applicant filed an AIA with the District on December 13, 2011) and pay applicable Off-Site Mitigation Fees before issuance of the first Grading/Building Permit. This proposal is also subject to the 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), and Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations).

Westlands Water District: The west ½ of Section 9, Township 18 South, Range 17 East lies within the District's boundary. This land will continue to have access to the District's distribution system. On the west side of Section 9, the District has an easement and two delivery points (26-1.7-4.0 and 26-1.7-4.5). Delivery point 26-1.7-4.0 is approximately 35 feet east of Lake Avenue and 25 feet north of Jeffrey Avenue. Delivery point 26-1.7-4.5 is approximately 35 feet east of Lake Avenue and 0.5 mile north of Jeffrey Avenue. During construction and operations of this facility, District property shall not be disturbed and prior to any excavation, the Applicant shall contact Underground Service Alert (USA). The District also retains one 300-foot by 300-foot easement in the northeast and one 300-foot by 300-foot easement in the southwest corners of the each 160-acre parcel. These portions of the property shall remain undeveloped.

Site Plan Review Section of the Development Services Division: One parking space for every two employees is required. An asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving the site. The driveway shall be concrete or asphalt concrete paved a minimum of 24 feet for the first 100 feet off of the edge of the road right-of-way and dust palliative shall be required on all parking and circulation areas.

The aforementioned requirements have been included as project Notes.

Water/Geology/and Natural Resources Section of the Development Services Division: No water quantity related concerns in regard to the proposal. The project site is not located in a low water area and the project will not utilize on-site groundwater.

Regional Water Quality Control Board (RWQCB): No concerns related to rinse water resulting from washing of solar panels. Rinsed water will be small in quantity, better in quality than groundwater, and will be retained on-site.

Zoning Section of the Development Services Division: Building Permits are required for all proposed improvements including fences more than six feet in height.

Building Permit and Safety Section of the Development Services Division: Construction Plans are required and shall be prepared by a licensed Design professional. Building Permits shall be obtained for all improvements on the property.

California Department of Fish and Game, U.S. Fish and Wildlife Service, Army Corps of Engineers, Pacific Gas and Electric Company, California Public Utility Commission: No concerns with the proposal.

Analysis:

The proposed development, on the subject 320-acre site, consists of a total of approximately 214,800 photovoltaic (PV) panels, a 100-foot by 200-foot Operations and Maintenance (O&M) Building, a 110-foot by 215-foot plant switchyard, a 50,000-gallon water storage tank, on-site stormwater retention basins and parking. The proposed facility will produce an estimated 40 megawatts (MW) of electricity which will be delivered to the Pacific Gas and Electric (PG&E) power grid for use in California.

The project site is located on inactive farmland within an area designated for agricultural land uses. Parcels adjoining the north, south, east and west of the site also consist of farmland and range from 20 acres to 120 acres in size. The nearest single-family residence is approximately 2,988 feet to the northwest of the project site. Considering compliance with: 1) rodent and weed control requirements from the Agricultural Commissioner's Office; 2) the County's Grading and Drainage Ordinance; 3) fire protection measures from the Fresno County Fire Protection District; 5) Air District requirements related to Indirect Source Review and other mandatory requirements; and 6) handling of hazardous waste on the property, the project location within agricultural land uses is not expected to have adverse effect upon surrounding properties.

Based on the above information and with adherence to a Mitigation Measure addressing on-site lighting, recommended Conditions of Approval requiring Site Plan Review for implementation of the proposed structural improvements relating to support buildings and tanks, and mandatory project Notes, staff believe that the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

- *All lighting shall be hooded and directed so as not to shine towards adjacent properties and public streets or roadways.*
- *A Site Plan Review 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. The Site Plan Review shall be applicable to those portions of the project site(s) to be improved with maintenance buildings, switchyards, water tanks and detention ponds excluding the solar panel fields. Items to be addressed under the Site Plan Review may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection, and lighting.*

Conclusion:

Finding 3 can be made.

Finding 4:

General Plan Consistency

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 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>With regard to Criteria “a”, proposal entails installation of solar panels and related facilities for electricity generation and requires large, undeveloped areas for construction, thus this proposal cannot be accommodated in urban areas. With regard to Criteria “b”, the subject parcel has been selected based on several factors cited in the Exhibit 7 (Solar Facility Guidelines). The site has not been actively farmed in the recent past and is not subject to a Williamson Act Contract. With regard to Criteria “c”, the Water/Geology/and Natural Resources Section of the Development Services Division did not expressed any water-related concerns with the proposal. Water for periodic cleaning/washing of solar panels will come from an off-site supply and would require less volume than a typical farming operation. As discussed in Finding 3 and in the Initial Study write-up attached to this Staff Report, staff does not believe the project will have a detrimental impact to surrounding properties. With regard to Criteria “d”, the unincorporated community of Five Points, located 3.3 miles southwest, can provide an adequate workforce.</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>A six-foot tall chain-link fence will be installed around the perimeter of the project site to protect both the on-site facility and surrounding farmland. As noted in the Solar Facility Guidelines (Exhibit 7), the project will implement a Weed and Rodent Control Plan to prevent impacts to adjacent farmland; a Reclamation Plan will be implemented to return property to farmland once the operation ceases. The project is consistent with this proposal.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The Water/Geology/and Natural Resources Section of the Development Services Division expressed no water-related concerns with the proposal. Water for periodic cleaning of solar panels will come from an off-site supply. The proposal is consistent with this Policy.</p>

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, 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 is required where appropriate. The subject property is not subject to an Agricultural Land Conservation Contract and is not located within any clear zone or other imaginary surface of a public use airport as described under FAR Part 77 or within an identified airport noise contour.

Analysis:

As discussed above in General Plan Consistency/Consideration, the subject Use Permit application meets the intent of Policy LU-A.3. The proposed development will: 1) be fenced to provide a buffer between the subject solar facility and adjoining farmland; 2) not result in a conversion of productive agricultural land to a non-agricultural use as it is not a prime farmland; and 3) not impact the groundwater resources as all water to the project will come from out-site sources.

On May 3, 2011, the Fresno County Board of Supervisors took action to require that supplemental application information be provided by solar utility applicants as part of their project submittal packages. Required material includes historical information on the agricultural use of the property, 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 and met this requirement. It should be noted that in this instance the Applicant has been proactive in submitting this information; much of it prior to the Board's May 3rd action.

Based on the above information, staff believes the project is consistent with the Fresno County General Plan. Applicable policies regarding siting and water supply evaluation were reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

One letter was received from an organization expressing concern with the project's environmental document. A copy of that letter is attached as Exhibit 11. Staff notes that the County had pre-engaged with reviewing Agencies, as is standard procedure, prior to drafting the environmental document and that project details including Site Plans and Elevations were

provided to those Agencies as part of the project review packet. Also, the recommended Conditions of Approval include a Condition regarding cultural resources. Staff believes the environmental document prepared for the subject application adequately addresses the requirements of the California Environmental Quality Act.

CONCLUSION:

Staff believes the required Findings for granting the Unclassified Conditional Use Permit Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit Application No. 3295 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 6277; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3295, subject to the Conditions and Notes listed below; 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. 3295; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended 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 project shall comply with Solar Facility Guidelines and "Project Decommissioning and Site Restoration Plan" attached as Exhibit 7 to the Staff Report and as approved and/or modified by the Commission.
3. A Site Plan Review 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. The Site Plan Review shall be applicable to those portions of the project site(s) to be improved with maintenance buildings, switchyards, water tanks and detention ponds excluding the solar panel fields. Items to be addressed under the Site Plan Review 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 Site Plan Review 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. 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.
 - *6. All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
- MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

NOTES:

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

1. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 regarding permits for construction. Construction Plans are required and shall be prepared by a licensed Design professional and Building Permits shall be obtained for the project.
2. Any additional run-off generated by the proposed development of this site cannot be drained across property lines and must be retained on-site per County Standards.
3. According to FEMA FIRM Panel 2825H & 3075H, the two parcel lots with Assessor's Parcel Numbers (APN) 060-042-16S and 060-042-17S are not subject to flooding from the 100-year storm, while the northwesterly area of APN 060-042-06 is in Flood Zone A subject to flooding from the 100-year storm. Any work within the designated Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.
4. An Engineered Grading and Drainage Plan is required to show how additional stormwater run-off generated by the proposed development will be handled without adversely impacting adjacent properties. The Grading and Drainage Plan shall provide the calculations to support the required and provided capacity of the two proposed on-site basins to be used for storage of stormwater run-off.

5. Any proposed parking area should comply with the Fresno County Off-Street Parking Design Standards.
6. Any existing or proposed entrance gate shall set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall swing outward.
7. A Grading Permit or Voucher is required for any grading proposed with this application.
8. Any ingress/egress developed to access a County-maintained road from the Jeffrey Avenue or Paige Avenue alignments will require an Encroachment Permit.
9. Any improvements proposed shall setback 30 feet plus zoning setback east of the section line of Lake Avenue and 30 feet plus zoning setback north of the section line of Jeffery Avenue.
10. Plans for the improved access road shall be submitted and reviewed prior to approval and issuance of an Encroachment Permit.
11. The Applicant is advised that 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. Contact the Fresno County Department of Agriculture - Agricultural Commissioner/Sealer of Weights and Measures Office at (559) 456-7510 for additional information regarding control plans and abatement techniques prior to site development.
12. An agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County.
13. Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for further information.
14. All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This Chapter discusses proper labeling, storage and handling of hazardous wastes.
15. Should a water well be drilled, the water well contractor selected shall be required to apply for and obtain a Permit to Construct a Water Well from the Environmental Health Division of the Fresno County Department of Public Health. Any water well drilled shall meet industrial well construction standards. Contact the Water Surveillance Program at (559) 445-3357 for more information.

16. The west ½ of Section 9, Township 18 South, Range 17 East lies within the Westlands Water District boundary. This land will continue to have access to the District's distribution system. On the west side of Section 9, the District has an easement and two delivery points (26-1.7-4.0 and 26-1.7-4.5). Delivery point 26-1.7-4.0 is approximately 35 feet east of Lake Avenue and 25 feet north of Jeffrey Avenue. Delivery point 26-1.7-4.5 is approximately 35 feet east of Lake Avenue and 0.5 mile north of Jeffrey Avenue. During construction and operations of this facility, District property shall not be disturbed and prior to any excavation, the Applicant shall contact Underground Service Alert (USA). The District also retains one 300-foot by 300-foot easement in the northeast and one 300-foot by 300-foot easement in the southwest corners of the each 160-acre parcel. These portions of the property shall remain undeveloped.
17. The Westland Water District has retained each 300-foot by 300-foot easement in the northeast and southwest corners of the each 160-acre parcel. These portions of the property cannot be developed.
18. According to Site Plan Review Section of the Development Services Division, one parking space for every two employees is required, an asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving the site, the driveway shall be concrete or asphalt concrete paved a minimum of 24 feet for the first 100 feet off of the edge of the road right-of-way, and dust palliative shall be required on all parking and circulation areas.

Note: These requirements will be addressed through Site Plan Review recommended as a Condition of Approval.

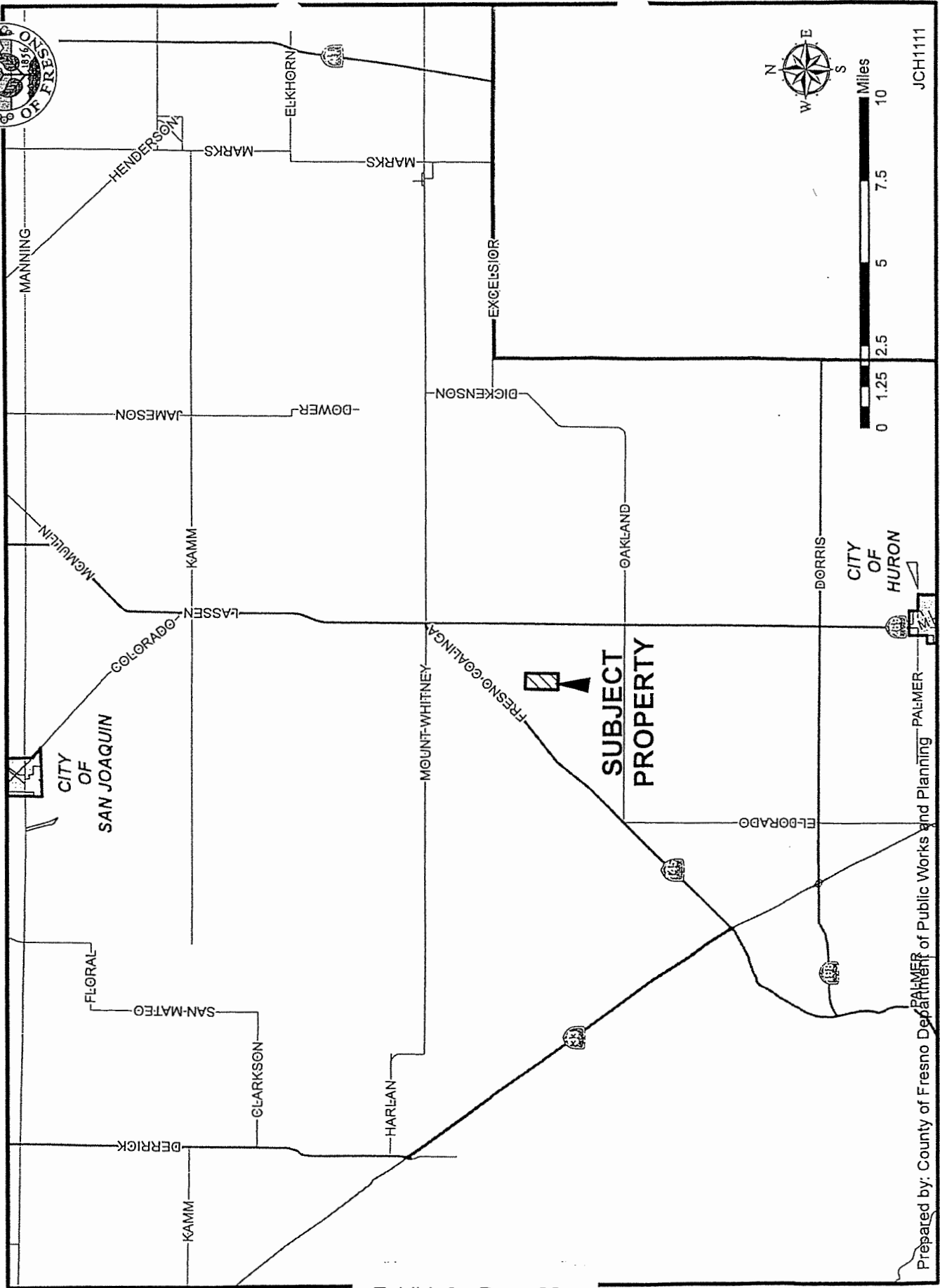
19. The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy.
20. The Applicant shall adhere to the following rules and regulations set by the San Joaquin Air Pollution District:
 - A. District Rule 9510 (Indirect Source Review).
 - B. District Regulation VIII – Fugitive Dust Rules, to address impacts related to PM-10.
 - C. Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials.
 - D. Rule 4601 (Architectural coatings)
 - C. Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations).

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LOCATION MAP

CUP 3295

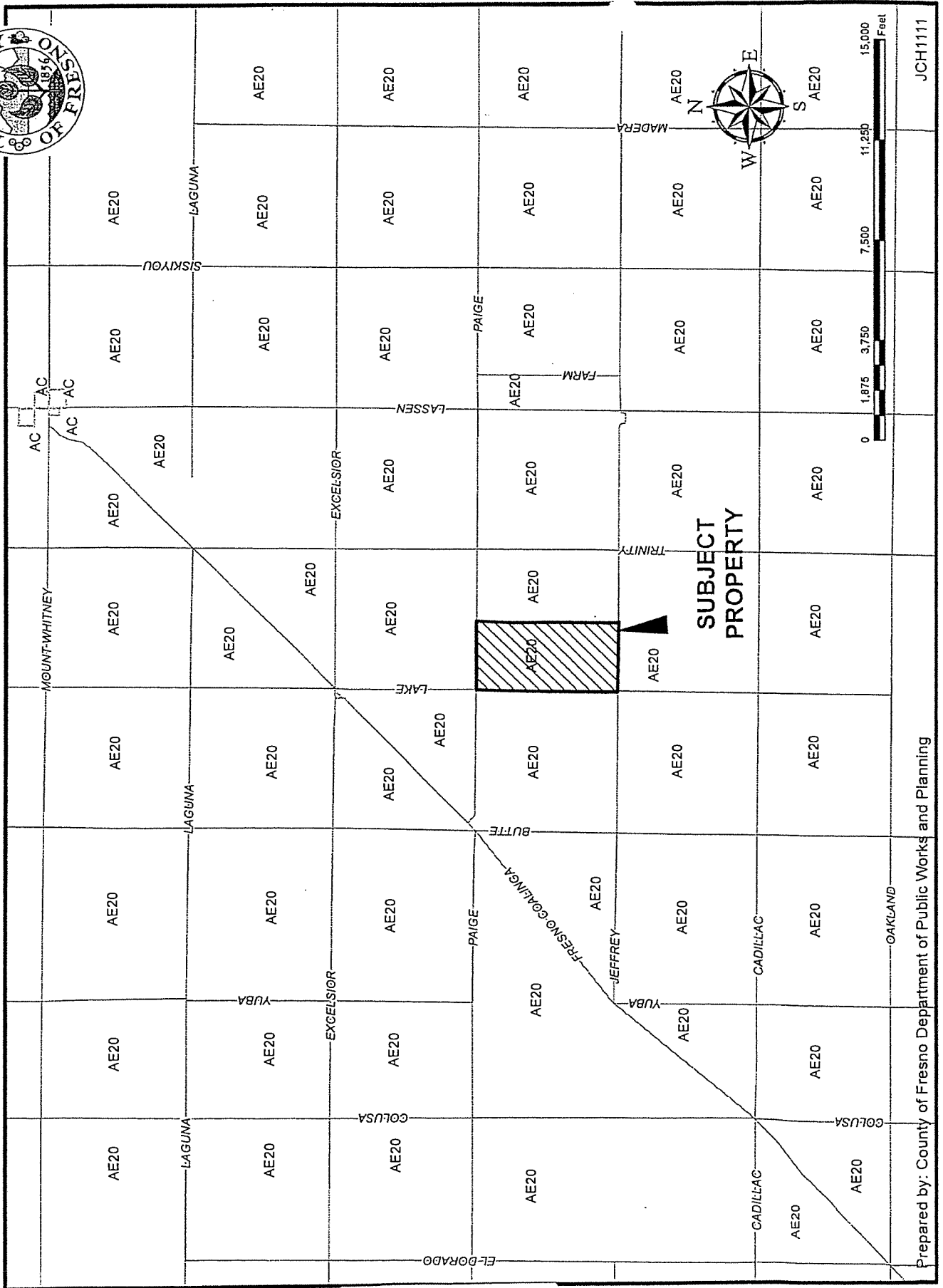


JCH1111

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

CUP 3295
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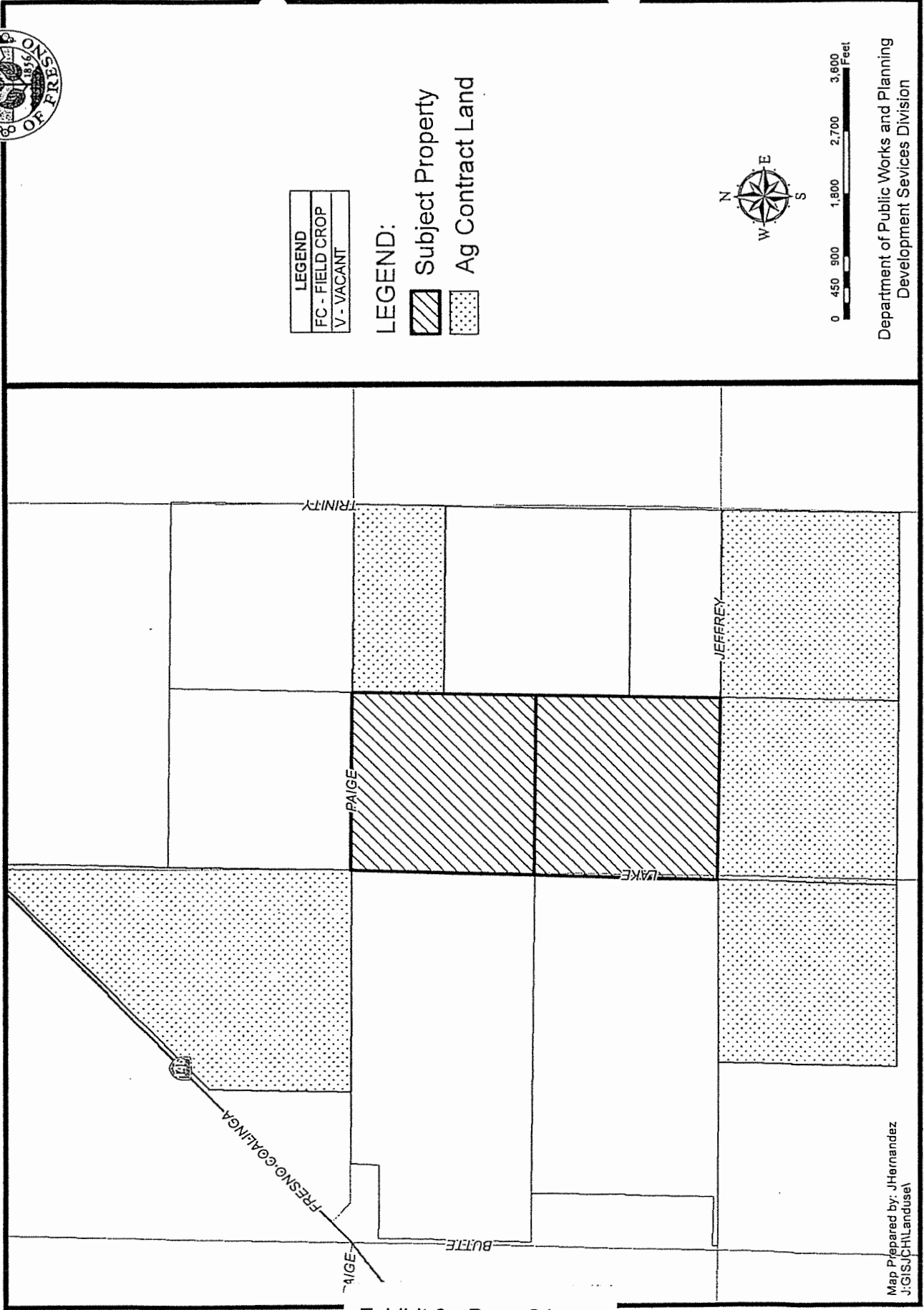
EXISTING ZONING MAP



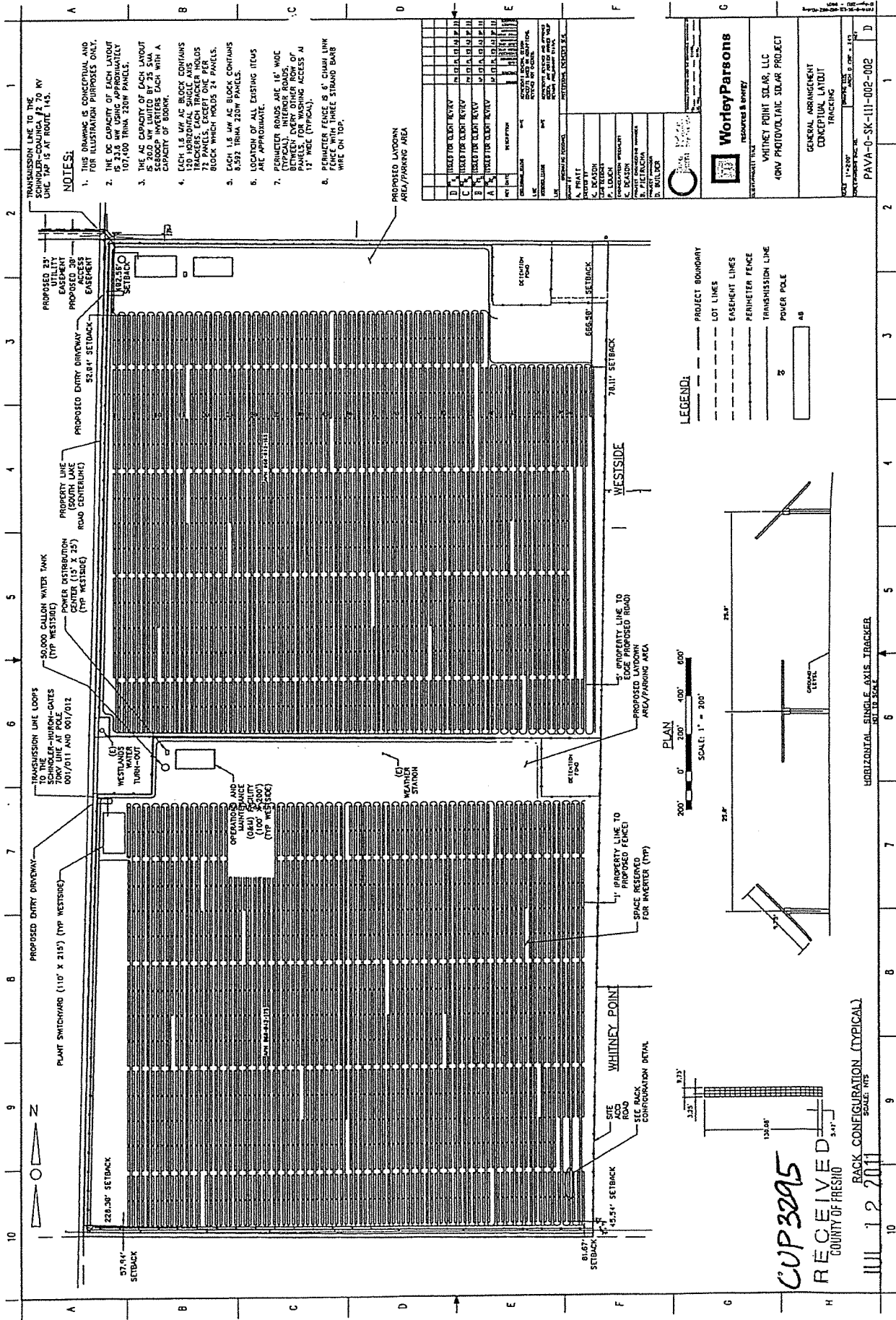


EXISTING LAND USE MAP

CUP 3295



Map Prepared by: JHernandez
J-GIS, CHILanduse



NOTES:

1. THIS DRAWING IS CONCEPTUAL AND FOR ILLUSTRATION PURPOSES ONLY.
2. THE DC CAPACITY OF EACH LAYOUT IS 3.15 MW USING APPROXIMATELY 107,400 TRINA 220W PANELS.
3. THE AC CAPACITY OF EACH LAYOUT IS 20.0 MW LIMITED BY 25 SVA SCROOP INVERTERS EACH WITH A CAPACITY OF 800KW.
4. EACH 1.8 MW AC BLOCK CONTAINS 18000 TRINA 220W PANELS. EACH TRACKER HOLDS 72 PANELS, EXCEPT ONE PER BLOCK WHICH HOLDS 24 PANELS.
5. EACH 1.8 MW AC BLOCK CONTAINS 8,592 TRINA 220W PANELS.
6. LOCATION OF ALL EXISTING UTILITY ARE APPROXIMATE.
7. PERIMETER ROADS ARE 16' WIDE (TYPICAL). INTERIOR ROADS ARE 12' WIDE (TYPICAL). WASHING ACCESS ARE 12' WIDE (TYPICAL).
8. PERIMETER FENCE IS 6' CHAIN LINK FENCE WITH THREE STRAND BARR WIRE ON TOP.

PROPOSED LAVOONN AREA/PARKING AREA

NO.	DESCRIPTION	DATE	BY	CHKD BY
1	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
2	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
3	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
4	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
5	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
6	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
7	ISSUED FOR PERMIT REVIEW	08/14/2011	W.P.	W.P.
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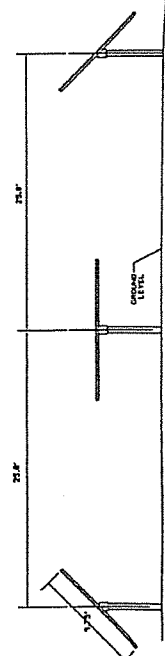
Whitney Point Solar, LLC
 40MW PHOTOVOLTAIC SOLAR PROJECT

GENERAL ARRANGEMENT CONCEPTUAL LAYOUT TRACKING

DATE: 08/14/2011
 DRAWN BY: W.P.
 CHECKED BY: W.P.
 PROJECT NO.: PAVA-0-SK-111-002-002

- LEGEND:**
- PROJECT BOUNDARY
 - LOT LINES
 - EASEMENT LINES
 - PERIMETER FENCE
 - TRANSMISSION LINE
 - POWER POLE

PLAN
 SCALE: 1" = 200'



RACK CONFIGURATION (TYPICAL)
 SCALE: 1/8" = 1'-0"

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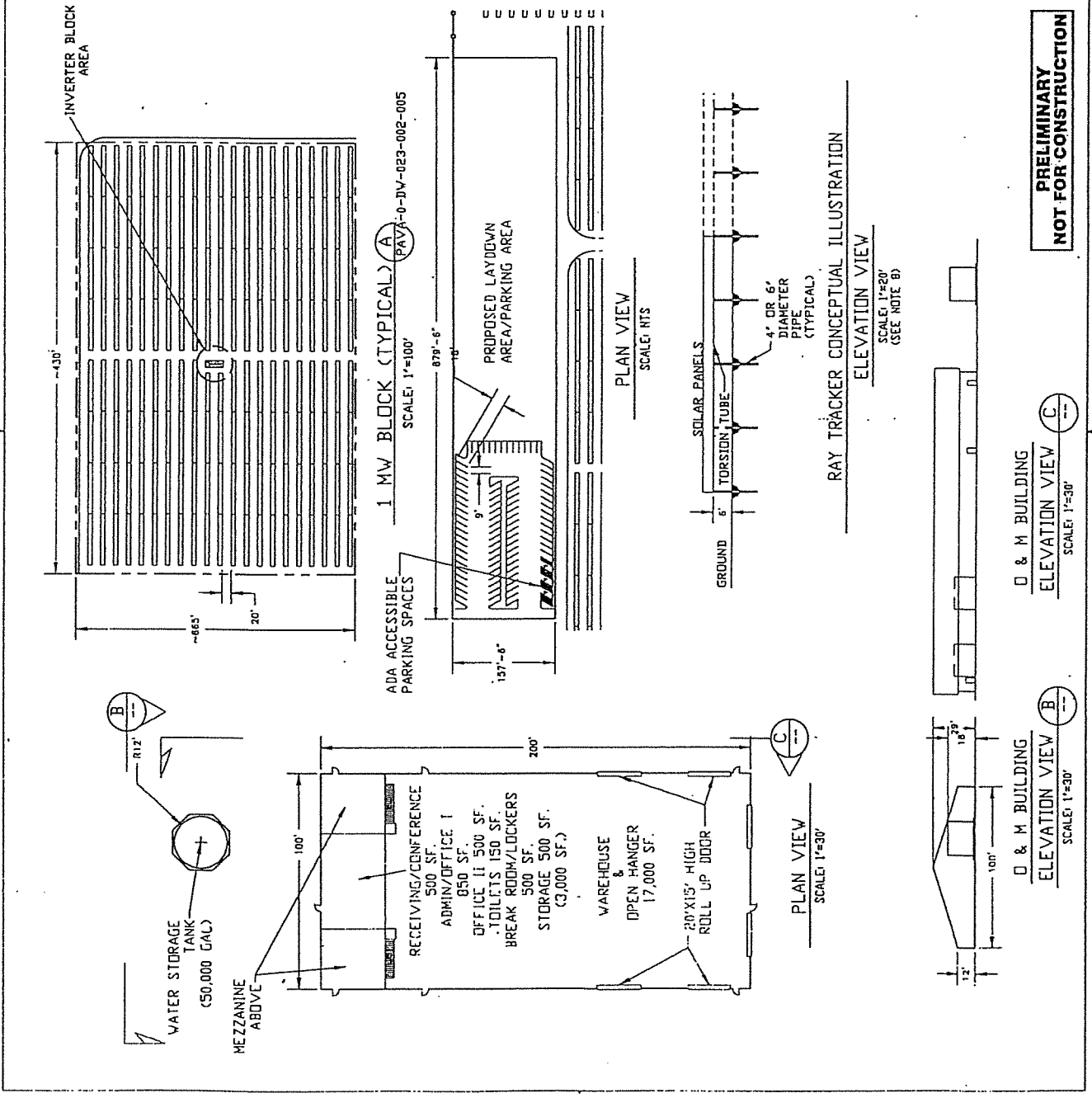
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 AND PLANNING
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REV	DATE	DESCRIPTION
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A	2/16/2010	PRELIMINARY ISSUE

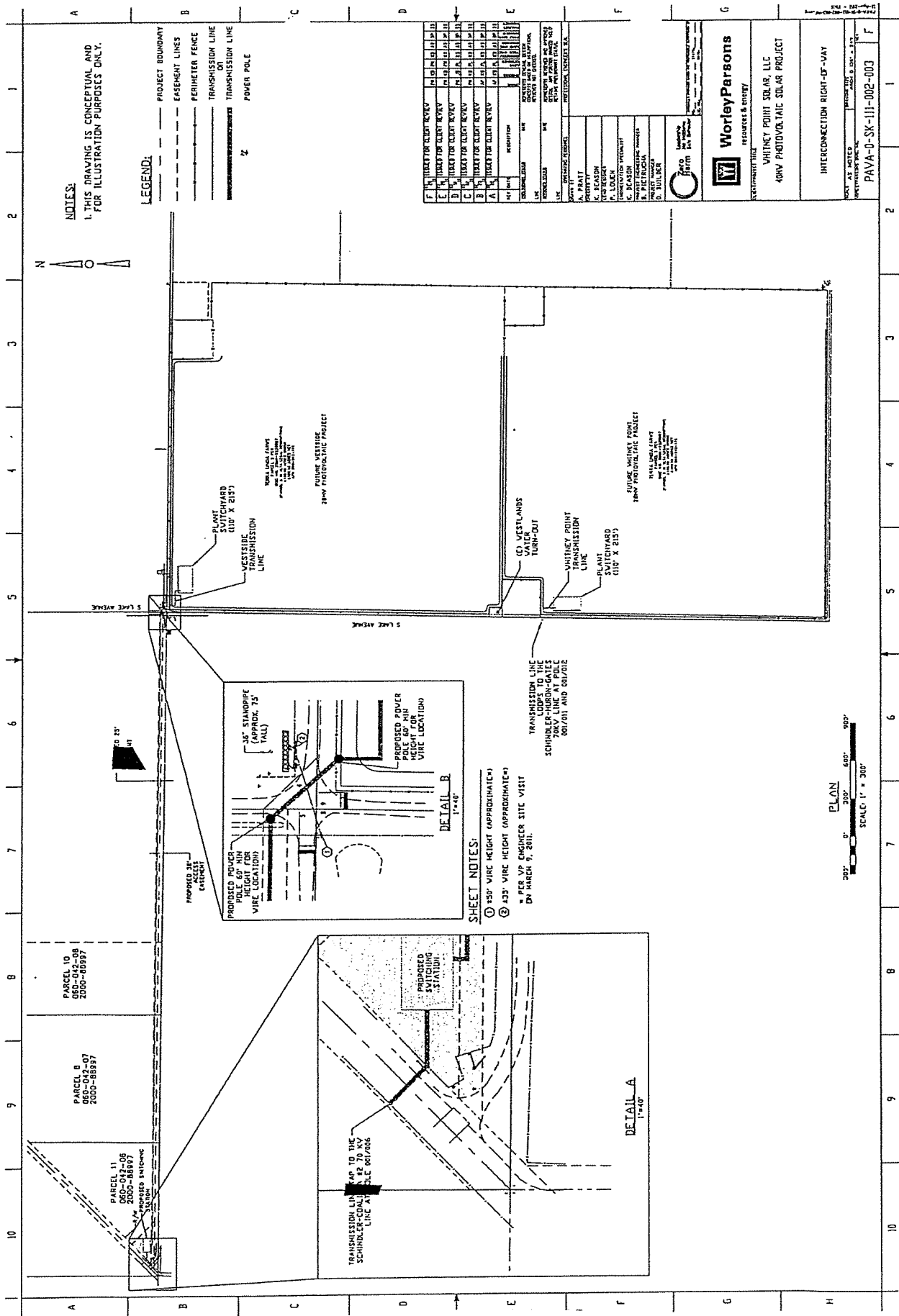
DESIGNATOR	DATE	APPROVED FOR CONSTRUCTION
J. MOORE	2/16/2010	APPROVED FOR CONSTRUCTION
K. LEE	2/16/2010	APPROVED FOR CONSTRUCTION

DESIGNED BY	DATE	PROFESSIONAL ENGINEER'S SEAL
R. GRANT		
J. MOORE		
J. MOORE		
R. GRANT		
J. MOORE		
K. LEE		
K. LEE		

SCALE	AS NOTED	BOOK NUMBER	ARCH C (24" x 18")
PAPA-0-DW-023-002-006			B



**PRELIMINARY
NOT FOR CONSTRUCTION**



NOTES:
1. THIS DRAWING IS CONCEPTUAL AND FOR ILLUSTRATION PURPOSES ONLY.

LEGEND:

- PROJECT BOUNDARY
- - - EASEMENT LINES
- PERIMETER FENCE
- TRANSMISSION LINE
- TRANSMISSION LINE ON
- POWER POLE

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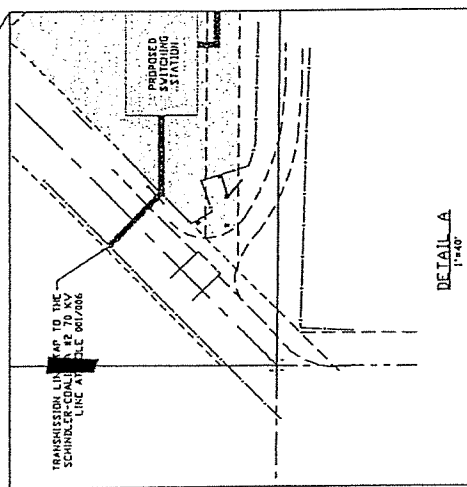
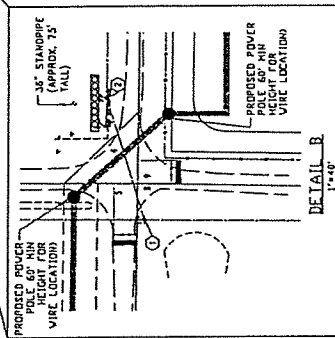


WorleyParsons
RESEARCH & ENTRY

PROJECT TITLE
WHITNEY POINT SOLAR, LLC
40kW PHOTOVOLTAIC SOLAR PROJECT

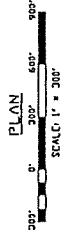
INTERCONNECTION RIGHT-OF-WAY

DATE AT NOTES
PROJECT NUMBER
DRAWING NO. 001-111-002-003
F



SHEET NOTES:

- ① 150' VIRE HEIGHT (APPROXIMATE)
- ② 425' VIRE HEIGHT (APPROXIMATE)
- = PER VP ENGINEER SITE VISIT
- DN MARCH 9, 2011.





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Whitney Point Solar LLC Operational Statement

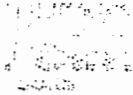
OPERATIONAL STATEMENT

WHITNEY POINT & WESTSIDE

SOLAR PROJECTS

WHITNEY POINT & WESTSIDE
SOLAR PROJECTS
OPERATIONAL STATEMENT
2014

Whitney Point, LLC
115 West Canon Perdido Street
Santa Barbara, CA 93101



FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

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ATTACHMENTS

- A Site Photos
- B Legal Documents
 - Deed for Project Sites
 - Option Agreements
 - ROW Agreements
- C Large format design drawings

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Whitney Point/Westside Solar Projects

1.0 Introduction

Whitney Point, LLC is the developer/Applicant of the Whitney Point and Westside 20 megawatt (MW) solar photovoltaic (PV) projects. They each occupy 160 acres, and are contiguous. Thus, the entire combined project sites comprise 320 acres (combined 40MW) and are treated as one project for purposes of this operational statement.

2.0 Site Description

The project site is located in the southwestern portion of Fresno County, California, adjacent to the California Designated Place (CDP) commonly known as Westside/ Five Points. The project site is situated in the western reaches of the San Joaquin Valley roughly 30 miles southwest of Fresno, 1 mile south of the unincorporated community of Westside, 3.5 miles southwest of the unincorporated community Five Points, and 13 miles northwest of Huron. Accordingly, the site can be defined as:

- The northwest quarter of Section 9, Township 18 South, Range 17 East (NW ¼, Section 9, T18S, R17E), within the Mount Diablo Base & Meridian, and
- Assessor's Parcel Number (APN): 060-042-16S and 060-042-17S

The total area of each parcel is about 160 acres, for a total of 320 acres on the site. Figure 2-1 shows a regional overview of the project site, and Figure 2-2 shows the Whitney Point/Westside project site at a larger scale.

The site is bounded to the west by South Lake Avenue, to the north by West Paige Avenue, to the south by West Jeffrey Avenue, and east by private land parcels. Figure 2-3 shows the Assessor's Tax Parcel Map for the project site.

The site is zoned AE20. The site has no water rights. It has been fallow for a number of years, and is disked periodically.

There are two easements on the property. Both are 300 feet by 300 feet. One is located in the northeast corner of the Westside (northern) parcel, and the other is located in the northwest corner of the Whitney Point parcel. The easements are owned by the Westlands Water District, and shown on the Site Plan.

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Several photographs of the site are included in Attachment A.

The deed for the project site and the Option Agreement are included in Attachment B.

3.0 Project Description

3.1 General Description of a Photovoltaic System

The facility will be a solar photovoltaic (PV) system using crystalline modules with tracking. All equipment will be standard issue, of conventional design. Figure 3-1 shows a sketch of a photovoltaic power plant.

Solar power plants similar in design to the planned Whitney Point/Westside Solar Project are comprised of four key components: the solar array field, combiner boxes, inverters, and a grid connection. The solar array is comprised of many solar modules, or module strings. The direct current (DC) from groups of modules is collected with combiner boxes. Combiner boxes merge the module wiring into a single high-current cable and provide over-current protection.

The DC current collected from an array section is routed to an inverter. The inverter converts the DC current to alternating current (AC), so that it can be delivered to the power grid. The output from the inverters is connected to a "substation," where the voltage is increased via the use of transformers and other electrical equipment.

The plant will produce renewable electricity that will be sold into the grid for use in California. The project will provide "peaking power" during daylight hours.

3.2 Conceptual Design of Solar Field

The solar field for Whitney Point/Westside Solar Project will consist of single-axis tracking mounting structures facing due south. A total of roughly 98,560 panels will be installed with individual rated capacity of 230 watts DC (direct current) for Westside and Whitney Point (197,120 panels in all). The installed capacity of each project is about 23.6 MW DC with a net nominal output capacity of 20 MW AC under standard test conditions which is defined at 1,000 W/m² and 25°C (77°F), again for Westside and Whitney Point

DC power will be generated by polycrystalline silicon (pc-Si) PV panels. The power will be collected and converted to AC by grid-tie-rated, PV inverters distributed throughout the plant PV field. AC power will be stepped-up to 13.8 kV via pad-mounted transformers located at each inverter pair and collected through a network of medium-voltage junction boxes and metal-clad switchgear for step up to 69 kV by a single two-winding step-up transformer (SUT) within the

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plant switchyard. Plant output will be interconnected into the grid with a single 69 kV single-circuit tie line with a line-tap connection.

3.2.1 PV Modules

The BP Solar BP 3230N panel was selected for the conceptual design due to its proven reliability. This is a poly-crystalline PV module with a peak power of 230 Watts-DC (W_{peak}). Other PV modules may be substituted if they are more cost effective, but may require modifications to the electrical power collections system designed herein, and the overall plant capacity may change due to a change in panel efficiency. The physical dimensions of the BP Solar panel are as shown in Figure 3-2.

RayTracker’s mounting structure is used for this conceptual design. Other PV panels can also be mounted on the mounting system; however, the BP Solar panel is considered to have superior power output compared to other commercially available panels. The racking system is shown in Figure 3-3.

The electrical characteristics of the BP Solar panel are summarized in Table 3-1.

**TABLE 3-1. ELECTRICAL CHARACTERISTICS
 BP 3220 N MODULE**

Characteristics	BP 3220 N
Open-Circuit Voltage (V_{oc})	36.4 V
Optimum Operating Voltage (V_{mp})	29.2 V
Short-Circuit Current (I_{sc})	8.7 A
Optimum Operating Current (I_{mp})	7.9 A
Maximum Power at standard test conditions (P_{max})	230 Wp
Module Efficiency	13.8 %
Temperature Coefficient	-0.5%/C
Maximum Series Fuse Rating	20 A
Power Tolerance	+/- 3%

Panel performance over time is a common concern as the sun causes the panels to degrade. Manufacturers offer a variety of warranty and performance guarantees that are usually a part of a procurement/purchase order. Performance guarantees typically cover power output to 90 percent of the nominal rating up to the first 10 years and 80 percent of the nominal power rating up to 20 to 25 years. The BP Solar warranty for the BP 3230 N panel is 90 percent over 12 years and 80 percent over 25 years.

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3.2.2 Configuration of the General Arrangement

The configuration of the solar panels was based on standard industry practice and research data available from NREL. The mounting structures will be aligned in an east-west direction as shown in Attachment C and Figure 3-4 (see Attachment C for more details). Spacing of the panels is designed to minimize panel-to-panel shading. Therefore, panel-to-panel shading will be minimal and the project should be able to outperform standard industry practice. Finally, the spacing between modules of panels is designed to allow a standard utility truck to drive through for the purposes of cleaning and maintenance.

3.2.3 Electrical Design

DC power will be generated by each PV panel proportional to the radiation absorbed by the solar cells comprising the surface of the panel. The power will be converted to AC by 500 kW grid-tie-rated, photovoltaic inverters distributed throughout the plant and will be stepped-up to 13.8 kV via pad-mounted transformers located at each inverter pair. The inverters may be installed outdoors on a concrete pad and should be located under sunshades installed with PV panels to prevent the site's radiant heat from increasing inverter temperatures beyond the manufacturer's recommended operating conditions. Alternatively, the inverters may be contained in a prefabricated container that will keep the inverter in a climate-controlled environment. The proposed inverter is the Xantrex GT500 that has a recommended operating temperature of 50 °C (122 F). Figure 3-5 shows a picture of the inverter.

A total of 197,120 PV panels will be installed at Westside and Whitney Point for a total DC generation capacity at standard test conditions of 23.6 MW per project. The PV panels are planned to be wired together in 16-module strings to maintain a DC voltage level always within the maximum power point tracking (MPPT) window of the inverter under all design temperatures. The module strings are then paralleled for termination in a 24 circuit, 600 VDC-rated combiner boxes distributed throughout the PV field for aggregated input into inverters. The PV string DC cable will be ultraviolet (UV), water resistant and direct burial rated with multi-contact type quick disconnect terminations harnessed for support on the panel mounting structures. The panel strings will be connected in parallel to meet the DC input requirements of the outdoor-rated, fused combiner boxes pole-mounted near the end of the mounting structures. The combiner boxes will include current monitoring and fault detection on each of the combiner box inputs and a local circuit breaker for load protection and the ability to disconnect. Four combined DC power feeds will be underground and cabled to the line side of each inverter with 600 VDC cable.

The conceptual data acquisition and communications systems for the PV plant may include PV string, mounting structure, and inverter monitoring and overall system status.

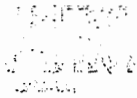


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String monitoring may be performed at each fused combiner box. The fuses would be monitored for fault indication and each input would be equipped with current transformers (CTs) for continuous string performance monitoring. The collector boxes include a main circuit breaker for combiner box output disconnect and protection, but individual strings must be disconnected manually. String data is transmitted over an RS232 or RS485/modbus connection to a data logger located in an outdoor-rated enclosure mounted near each power conversion station. Optional string monitoring may include radiation sensing, and module and environment temperature.

Two inverters will be direct-cable-connected to the primary side of each 1 MVA 0.48-13.8 kV pad-mounted transformer. Transformer protection will be implemented by the inverter output circuit breaker. Together the inverters, transformers, and data logger are referred to as the conversion station. AC medium voltage power from the fused secondary of each inverter transformer will be collected by pad-mounted junction enclosures via direct buried 13.8 kV feeders. The junction enclosures will connect to the PV plant's expandable medium voltage metal-clad switchgear for transmission to the grid at utility system voltage through a 12/16/20 MVA ONAN/ONAF/ONAF 65 °C, 13.8-69 kV step-up transformer. The primary side of the step-up transformer will be connected to the plant switchgear. A high voltage circuit breaker will be located between the utility grid and step-up transformer for utility disconnection and protection. The circuit breakers and switchgear will be rated to withstand worst-case short circuit currents that will be determined during detailed design.

A pre-engineered power distribution center (PDC), approximately 15 feet x 25 feet, will contain the plant switchgear, metering, communication, and supervisory data acquisition and control (SCADA) equipment. A fenced plant switchyard, approximately 110 feet x 215 feet, will contain the step-up transformer, high-voltage circuit breaker, and the control building. The plant switchyard will also include a steel pull-off structure with bushings and lightning arrestors for the tie-line termination. The tie-line will be protected by a high voltage circuit breaker with maintenance disconnect switches for line disconnect to ensure that any loss of the PV facility will not impact the grid. The plant switchyard will incorporate a ground grid for personnel and equipment protection in accordance with IEEE standards. The step-up transformer will be two-winding, fan-cooled, mineral oil-filled, and will have no-load tap changers in the high voltage windings to maintain interconnection voltage to +/-5 percent of nominal. The step-up transformer will be surrounded by a concrete berm for secondary oil containment. The control building will house SCADA, metering, communications, and protective relay systems, as required.



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3.3 Electrical Interconnection

Each project will be capable of supplying an estimated 20 MW of net nominal three-phase AC power to the grid through a tap to an existing 70 kV transmission line. The interconnection tap will require hardware, relaying, and metering modifications, as required, for the new line connection.

3.3.1 Westside Solar Project

The tie-line for the Westside Solar Project will be a 70 kV electric transmission line, constructed to transfer the power generated to the Schindler-Coalinga #2 line shown on Figure 2-2. The overhead tie-line will be a single-circuit line hung on approximately 20 direct buried, spun concrete mono-poles and will include an optical ground wire (OPGW) for lightning protection of the transmission line and fiber-optic communication between the solar plant and the interconnection line. The new 70kV single-circuit transmission line will be approximately 1.0 mile long and will utilize aluminum conductor steel reinforced (ACSR).

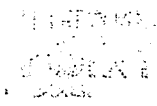
Figure 3-6 shows a typical pole design. Protection of the tie-line will be implemented by protective relaying primary and back-up schemes. The relaying schemes will be engineered during detailed design.

The Westside Solar Project tie-line will leave the plant switchyard from an A-frame takeoff structure and cross the intersection of South Lake Avenue and West Paige Avenue while following GO-95 and National Electric Code (NEC) clearances for crossing other lines and roads. The tie-line will continue to travel west along West Paige Avenue to an off-site switching station proposed adjacent to the intersection of West Paige Avenue and Fresno-Coalinga Road/ State Route (SR)-145. The tie-line will then leave the off-site switchyard and cross Fresno-Coalinga Road/ SR-145 to tap onto the Schindler-Coalinga #2 70 kV line at pole 001/006 situated along the western boundary of Fresno-Coalinga Road/SR-145.

The Applicant has secured a right-of-way for both an access road to the site from Fresno-Coalinga Road/ SR-145 and a transmission line corridor along the access road. Easement documents are included in Attachment B.

3.3.2 Whitney Point Solar Project

The Whitney Point Solar Project tie-line will leave the plant switchyard from an A-frame takeoff structure and cross South Lake Avenue following GO-95 and NEC clearances. The line will then loop into the Schindler-Huron-Gates 70 kV line at poles 001/011 and 001/012, situated along the western side of South Lake Avenue, directly across from the project site.



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3.4 Civil Design

The Westside/Whitney Point Solar Project conceptual design takes into account existing site conditions with respect to natural drainage ways, grading, storm water drainage, interior roadways, and fencing, where applicable.

Development of the Westside/Whitney Point Solar Project will assume that the complete site will remain disturbed in its present condition. Site grading will be minimal due to conversion of its existing use from agricultural to solar PV. The complete site will be fenced and access roads will be constructed around the site within the fencing. Additional roads will be constructed within the site to allow washing of the PV panels and to service the on-site equipment. An Operations and Maintenance (O&M) building will be constructed as well as a switchyard to allow delivery of the solar generated electricity to the electrical distribution grid.

Access to the Westside/Whitney Point Solar Project will be from Fresno-Coalinga Road/SR-145 following the private dirt road called West Paige Avenue. This road will be improved. Figure 2-2 shows the locations of the proposed road improvements and transmission line.

3.4.1 Foundation Design

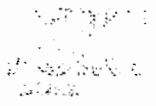
Whitney Point, LLC conducted a preliminary foundation design. It was determined that possible foundation designs would include concrete footings and steel-driven piles. Driven piles appear to be the best solution; therefore, this design is presented here.

Figures 3-7 and 3-8 show schematics for the steel-driven pile foundation design. The steel piles will be approximately 14 feet in depth, and about 6 inches in diameter.

3.4.2 Site Drainage and Storm Water Control

Two storm drainage basins were located at the northeast corner of each project site. The total volume of detention for each site was 21.39 acre-feet of water storage. The quantity of detention was determined based on the anticipated quantity of Aggregate Base material to be added to the site for roadways and laydown areas, and calculations were based on Fresno County Drainage Standards requirements.

The project sites will be disturbed beyond the present condition. In addition to driven piers, the site will include internal roads and structure foundations. Site grading will be minimal due to conversion of their existing use from agricultural to solar PV development. The complete sites will be fenced with 6- to 8-foot chain-link fence, topped with three strands of barbed wire. A 16-foot gravel access road will be constructed around the sites within the fencing. Interior roads will allow maintenance vehicles to pass through for PV panel washing and maintenance of on-site equipment.



FRESNO COUNTY OPERATIONAL STATEMENT Whitney Point/Westside Solar Projects

The project sites will be disturbed beyond the present condition. In addition to driven piers, the sites will include internal roads and structure foundations. Site grading will be minimal due to conversion of their existing use from agricultural to solar PV development. The complete sites will be fenced with 6- to 8-foot chain-link fence, topped with three strands of barbed wire. A 16-foot-wide gravel access road will be constructed around the sites within the fencing. Interior roads will allow maintenance vehicles to pass through for PV panel washing and maintenance of onsite equipment.

No export or import of soil is expected to be required for the described civil work.

3.4.3 Water Requirements

As part of O&M activities, water will be used for periodic washing of the PV modules. There is no standard PV panel washing method; however, assumptions can be made based on utility-scale concentrating solar power cleaning experience as well as recommendations from a variety of panel vendors. Approximately 0.25 acre-feet, or about 86,000 gallons, of water will be required for cleaning all PV modules at the combined 320-acre project site (Whitney and Westside). This is based on the assumption of 0.25 gallon of water necessary per square meter of panel. The amount of water required for each cleaning and the frequency of cleanings will depend on the PV washing method, the site weather, and the amount of soiling on the panels. Most vendors recommend washing about two times per year with the first cleaning in late spring and the second in late summer. However, given unfavorable site conditions, cleaning could occur four times per year or more. Assuming that cleaning occurs four times per year, approximately 1 acre-foot (344,000 gallons) will be the annual water consumption of the plant (for both the Whitney and the Westside facilities).

The rate of water consumption will depend on the design of the facility. It is assumed that a 50,000-gallon tank will be built for each facility to quickly load cleaning trucks with necessary water for cleaning. Washing will be conducted using a small truck outfitted with a high-pressure spray system. The truck will travel along access paths between rows. Water will be de-ionized to reduce residual films.

Water will be provided from a Westlands Water District turn-out located on the project site.

4.0 Construction

4.1 Construction Activities

Construction primarily will be comprised of the following activities:

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

- **Site Preparation:** The site will be prepared for construction. For example, a perimeter berm will be installed for hydrologic control, access roads will be covered with gravel, and array areas will be compacted. A temporary staging area will be constructed to hold materials and construction equipment. A parking area will be constructed for craft workers.
- **Fencing:** A 6-8-foot perimeter security fence will be installed. Trash will be removed from the fencing as required.
- **Solar Field:** The solar arrays will be installed in three steps: installation of foundations, construction of the racking and tracking systems, and attaching modules.
- **Electrical Work:** Inverter and substation pads will be poured, followed by installation of the inverters, wiring of the modules through combiner boxes, and construction of the substation and grid interconnection.

4.2 Construction Schedule

The construction schedule is shown on Figure 3-9, and applies to both the Whitney Point and Westside Solar Projects. The construction period, from site preparation through construction, testing, and commercial operation, will extend for approximately nine months for a 20 MW project.

4.3 Workforce

The anticipated number of workers and deliveries through the nine-month construction schedule for one 20 MW project is shown on Figure 3-10. A summary is presented in Table 4-1.

TABLE 4-1
PEAK CONSTRUCTION TRAFFIC PER 20 MW PROJECT

Rating	Daily Trips	A.M. Peak Hour				P.M. Peak Hour			
		In : Out	In	Out	Total	In : Out	In	Out	Total
Construction Personnel	137	90:10	123	14	137	10:90	14	123	137
Delivery Trucks	20	50:50	10	10	20	50:50	10	10	20
Total Trips	157		133	24	157		24	133	157

Work should be completed in 8- or 10-hour shifts, with a total of 5 shifts per week. The work shift will commence at 6:00 a.m., 7:00 a.m., or 8:00 a.m. depending on the time of year and staff considerations. On certain occasions work will extend beyond 10 hours per day, and may include

FRESNO COUNTY OPERATIONAL STATEMENT
Whitney Point/Westside Solar Projects

Saturday work (a 6th work day), or possibly Sunday work (a 7th day of work). The requirement for added hours will be on an as-needed basis to meet schedule requirements.

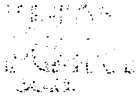
It is anticipated that the construction workforce will commute to a project site each day from local communities. Worker commute vehicles will account for the majority of traffic trips to the site. It is estimated that the number of on-site workers, and therefore commute trips to and from the site, will average 103 per day and the peak will be 137 per day per project. This estimate does not include the assumption that some co-workers will car-pool, which will reduce the number of trips.

On-site construction equipment will consist of traditional equipment used for site development. Minimal grading will be required to construct the roads. This will be accomplished with scrapers, motor graders, water trucks, dozers, and compaction equipment. The PV material will be off-loaded and installed using small cranes, boom trucks, forklifts, rubber-tired loaders, rubber-tired backhoes, and other small- to medium-sized construction equipment as needed. All these construction equipment items will be delivered to the site on "low bed" trucks unless the equipment can be driven to the site (for example, the boom trucks). A complete list of construction equipment needed for each 20 MW project is listed on Figure 3-11.

It is not known at this time whether the total construction effort will be phased (i.e. one 20 MW project at a time), or if both projects will be constructed in the same time period. If both projects will be constructed together, the construction traffic estimates shown above will be higher. While the "worst case" would be double the traffic counts, this is unrealistic, because certain craft workers will stage construction on the sites, which would reduce the number of workers needed. A more realistic worst case would be a 50 percent increase in traffic counts from the numbers shown in the table.

5.0 Operation and Maintenance

This project will feature a one-story O&M building to serve as the center for maintenance, monitoring, and security purposes. The building will be a pre-engineered metal building and will be constructed of non-combustible material. The O&M building will be powered via a connection to the nearby 12 kV distribution line operated by the local utility. Communications will be provided by the local utility as well. No potable water will be available on site and untreated well water is expected to be used for the on-site lavatories. Potable water will be supplied via bottled water for drinking purposes. A sewer septic system will be used for the sanitary waste stream. Building heat will be provided either by a propane furnace or an electric heat pump.



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The O&M building and the interconnect substation will have enough lighting for continuous surveillance. All lighting will comply with County dark sky requirements. The photovoltaic field is not expected to contain any lighting.

The entire project will be fenced in for the security of the project. An additional fence will protect the interconnect substation.

It is expected that two people will tend the facility on a part-time basis, sharing responsibility between security and O&M depending on site operation. Additional personnel will be needed to clean the panels and for other specialized maintenance activities.

Traffic to the site during operation will be minimal. On a typical day, one or two security or maintenance personnel will visit the site and perform required functions. When panel washing is conducted, a team of 2-4 personnel will clean the panels over a time period of approximately 10 days.

6.0 Legal Documents

Attachment B contains documentation showing site control for the site and the ROW. The first document is the deed for the site. This is followed by two purchase and sales agreements (PSAs). The two PSAs show site control over the two Terra Linda properties comprising the site.

The last document shows site control for the access road and transmission line on West Paige Avenue.

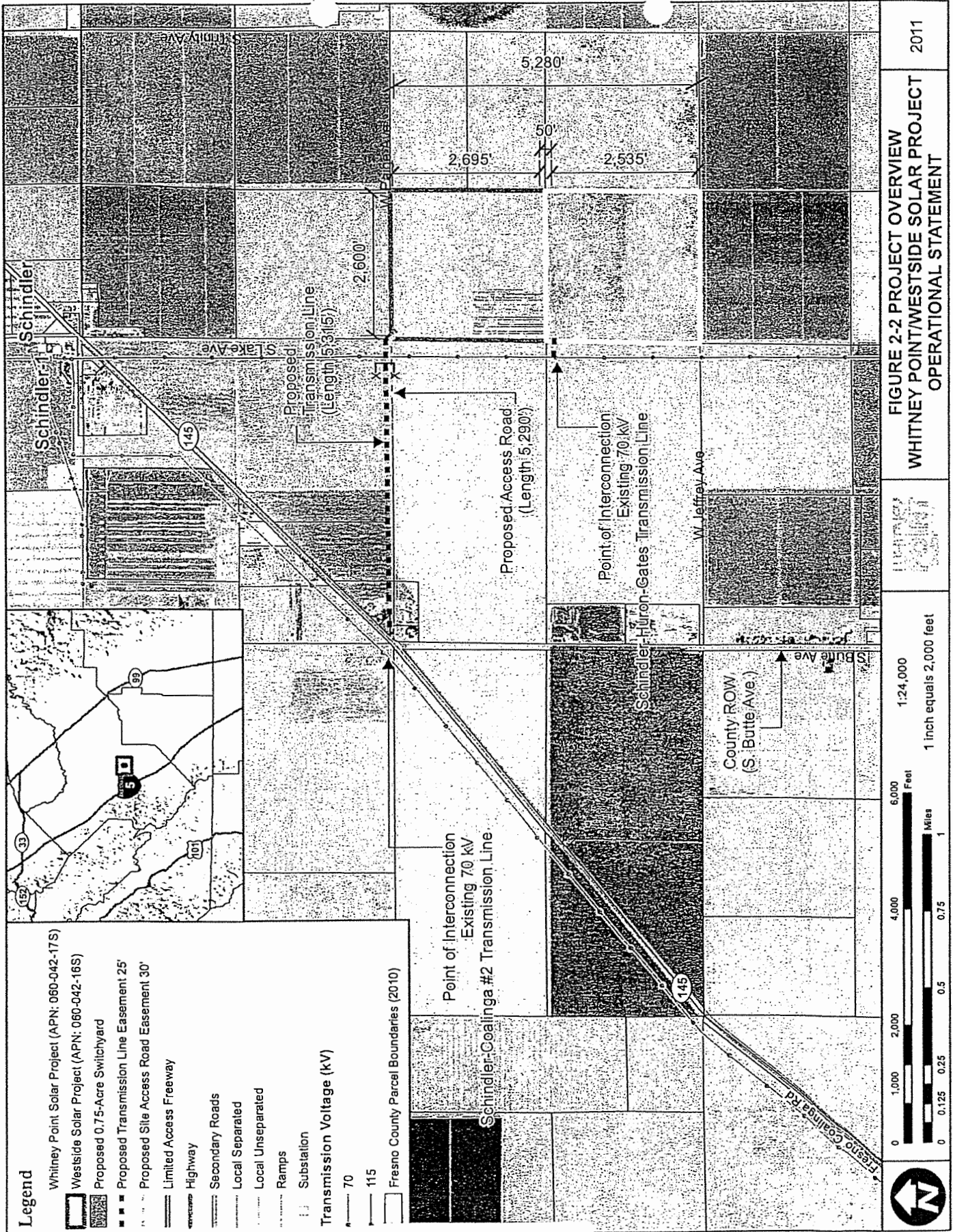


FIGURE 2-2 PROJECT OVERVIEW
WHITNEY POINT/WESTSIDE SOLAR PROJECT
OPERATIONAL STATEMENT

1:24,000

1 inch equals 2,000 feet

6,000 Feet
 4,000
 2,000
 1,000
 0

1 Miles
 0.75
 0.5
 0.25
 0

1:24,000

1 inch equals 2,000 feet

6,000 Feet
 4,000
 2,000
 1,000
 0

1 Miles
 0.75
 0.5
 0.25
 0

Legend

- Whitney Point Solar Project (APN: 060-042-17S)
- Westside Solar Project (APN: 060-042-16S)
- Proposed 0.75-Acre Switchyard
- Proposed Transmission Line Easement 25'
- Proposed Site Access Road Easement 30'
- Limited Access Freeway
- Highway
- Secondary Roads
- Local Separated
- Local Unseparated
- Ramps
- Substation
- Transmission Voltage (kV)
 - 70
 - 115
- Fresno County Parcel Boundaries (2010)

F:\060\042\17S\PROJECT\Map_Site_Plan\Map_Site_Plan.dwg, P:\060\042\16S\PROJECT\Map_Site_Plan\Map_Site_Plan.dwg, P:\060\042\16S\PROJECT\Map_Site_Plan\Map_Site_Plan.dwg

**FIGURE 2-3
TAX ASSESSOR'S MAP**

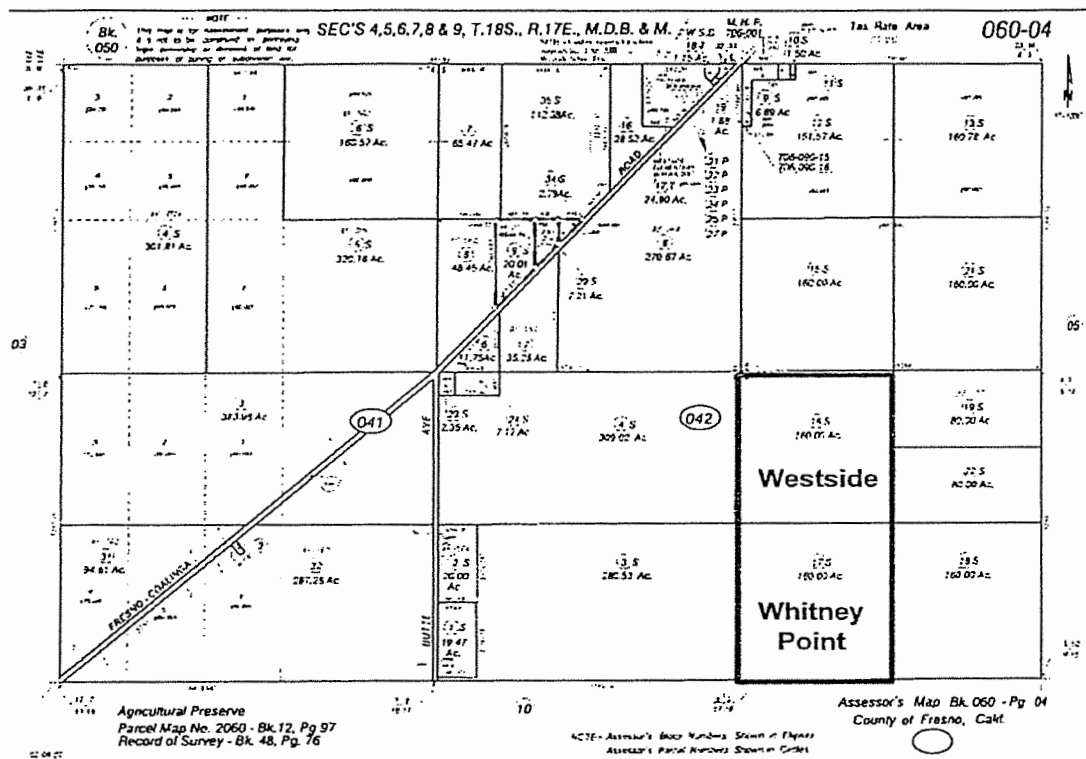


FIGURE 3-1
SKETCH OF A SOLAR PHOTOVOLTAIC POWER PLANT

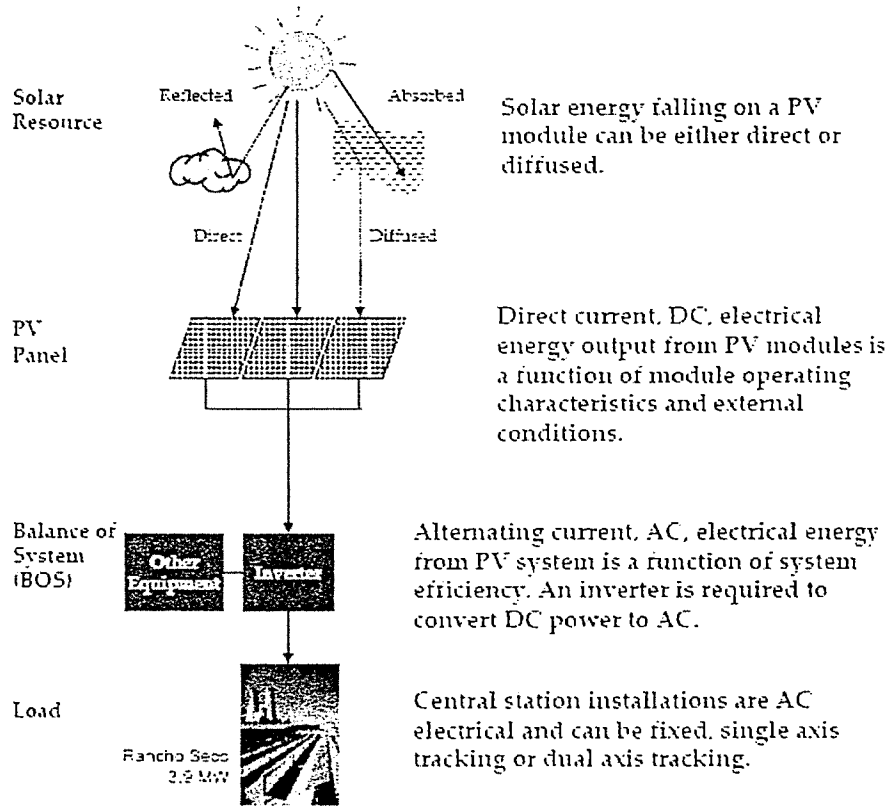


FIGURE 3-2
PV MODULE DIMENSIONS

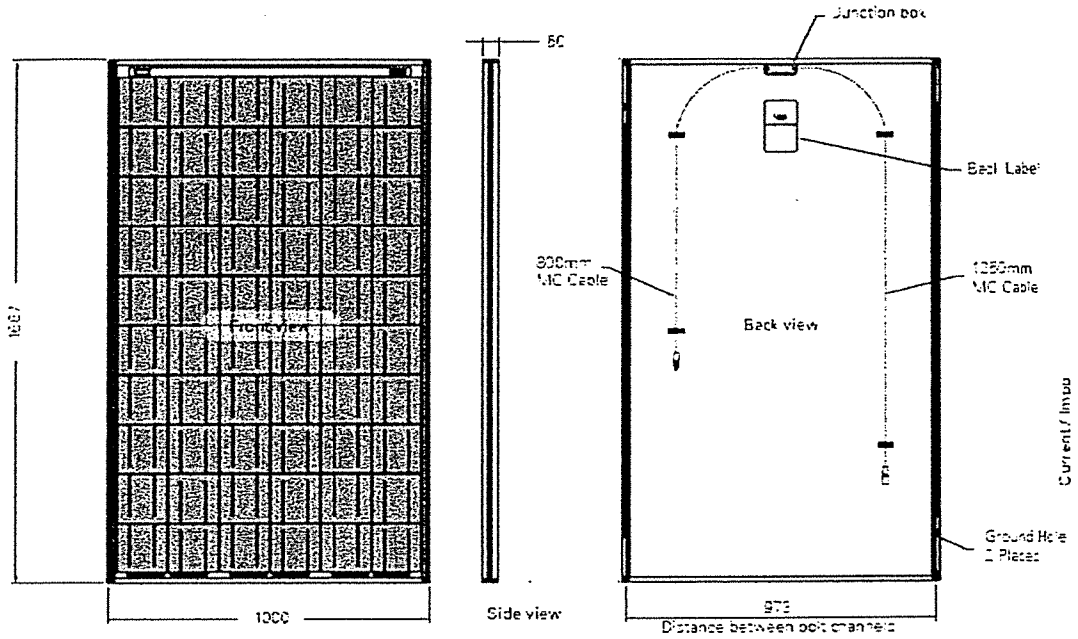


FIGURE 3-3
RACKING SYSTEM

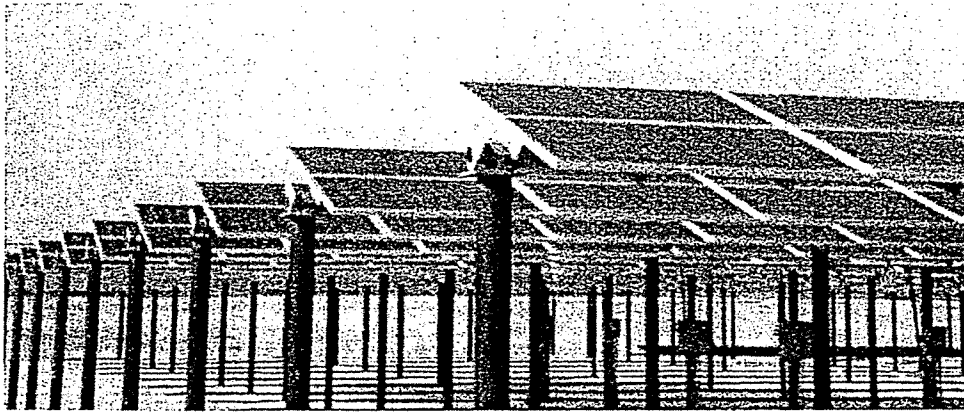
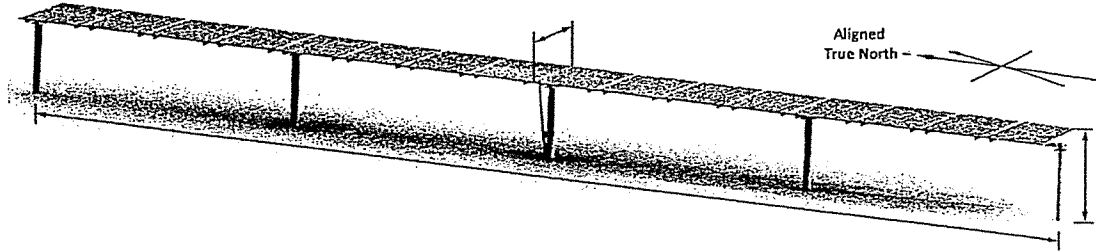


FIGURE 3-4
 GENERAL ARRANGEMENT/FACILITY LAYOUT

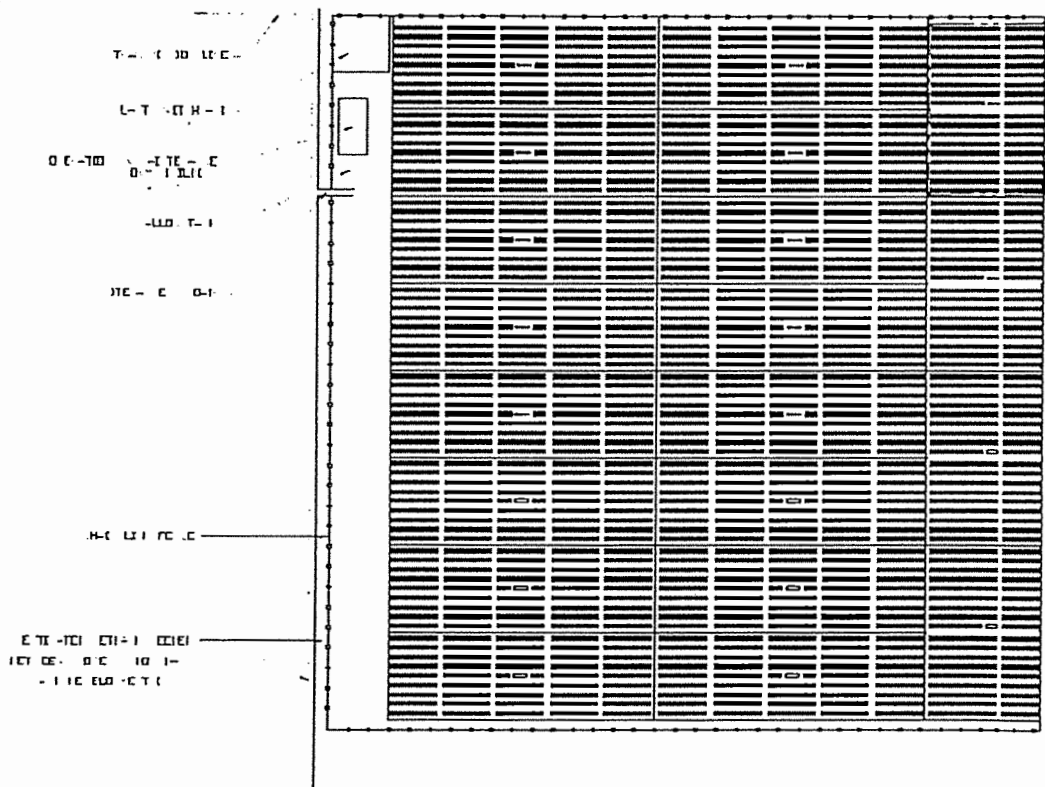
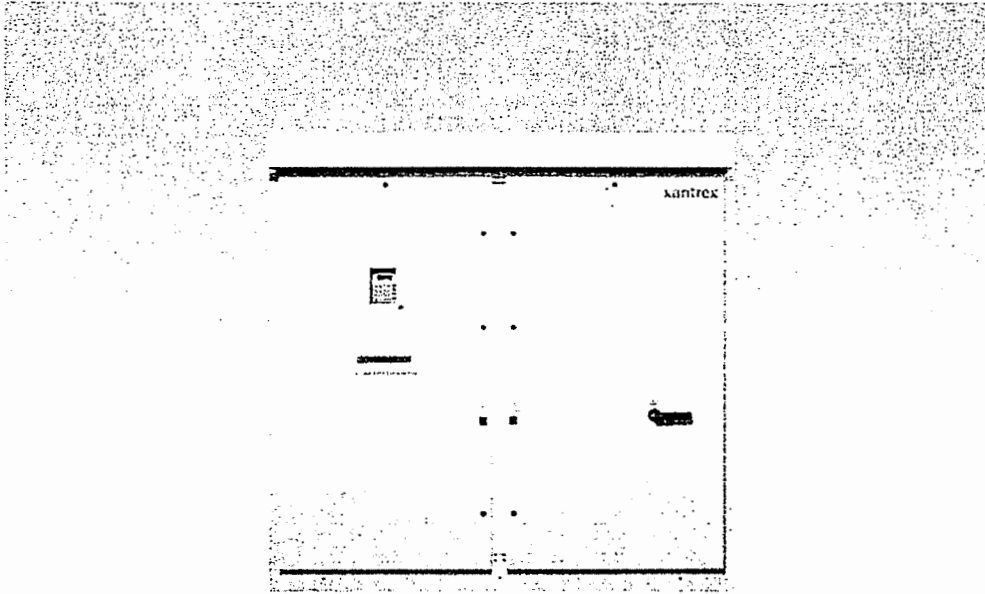
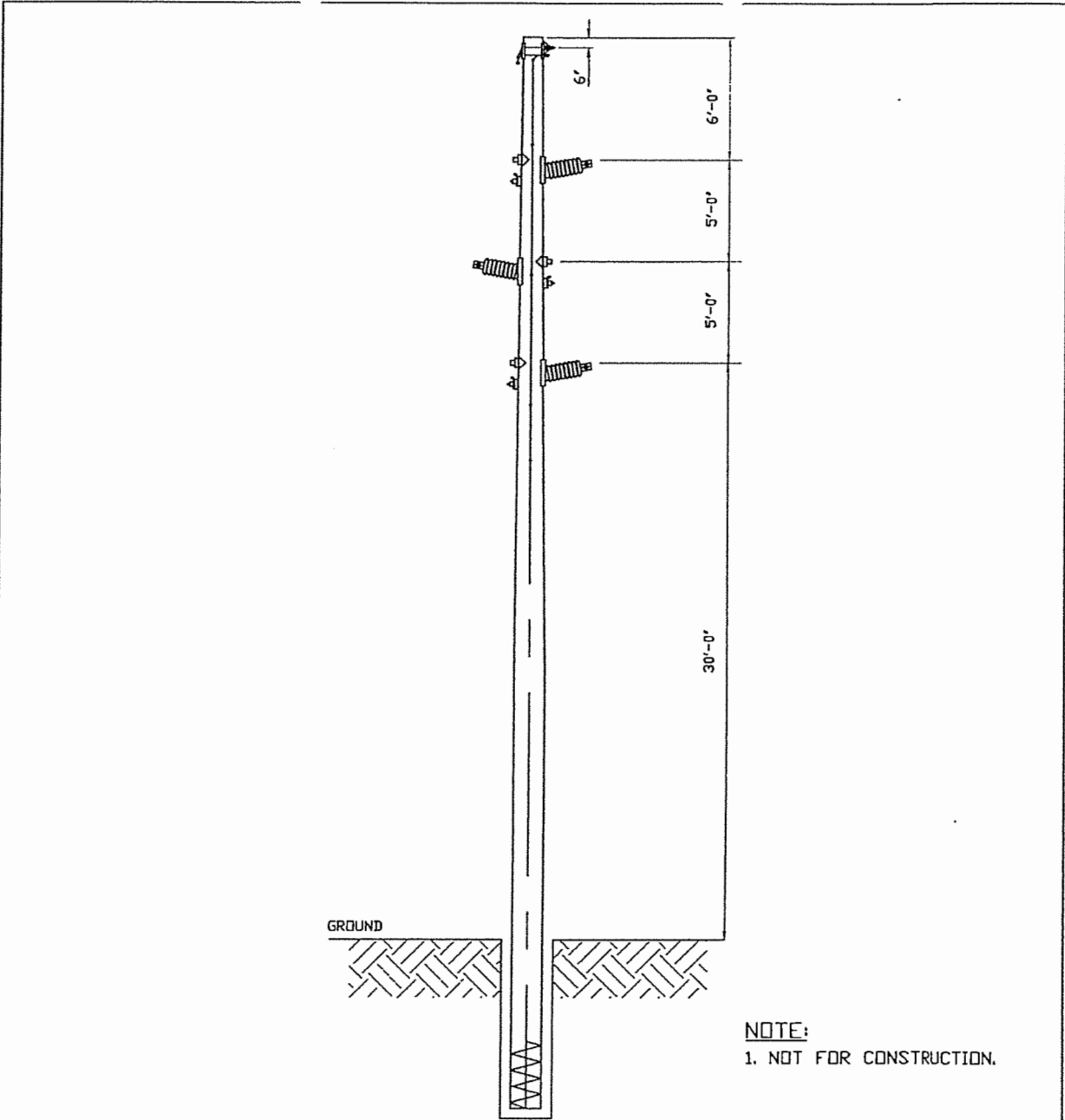




FIGURE 3-5
XANTREX 500 kW INVERTER

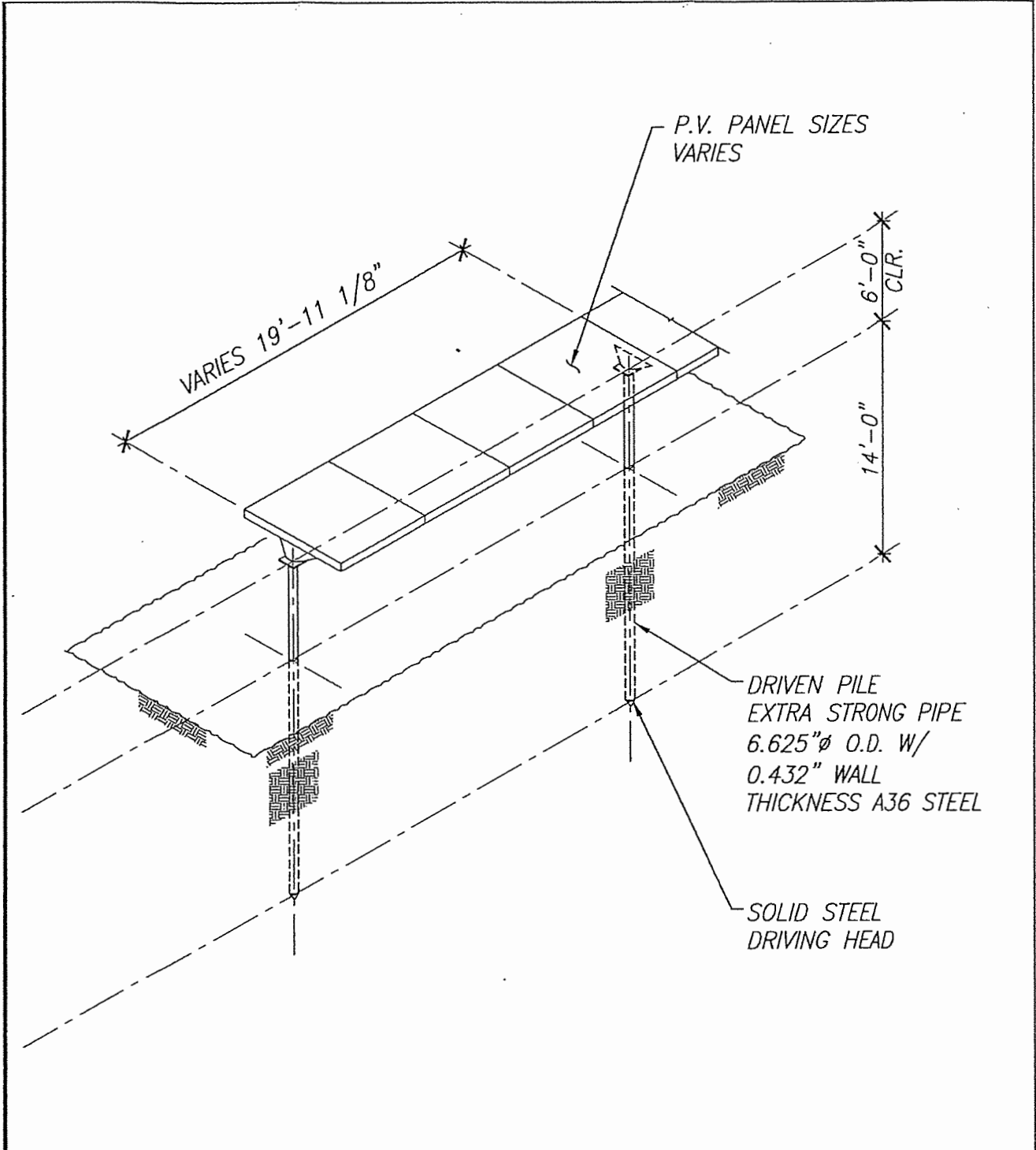




NOTE:
1. NOT FOR CONSTRUCTION.

					 Zero Harm Leadership No Incidents Safe Behavior		 WorleyParsons resources & energy			
					ORIGINATING PERSONNEL DRAWN BY S. CHERRY CHECKED BY P. LOUEN LEAD DESIGNER ENGINEER/TECH SPECIALIST S. RICHARDS		PRELIMINARY STATUS REPRESENTS GENERAL DESIGN CONCEPTS BASED ON ASSUMPTIONS. REVIEWED, NOT CHECKED. DATE 02/01/10		CLIENT/PROJECT TITLE PACIFIC VALLEY, LLC WESTSIDE SOLAR PROJECT 20MW PHOTOVOLTAIC PROJECT	
SC	SR	PL	SR	SR	APPROVER STATUS REPRESENTS REVIEWED AND APPROVED DESIGN. ANY PORTION MARKED "PBY" RETAINS PRELIMINARY STATUS.		69kV TRANSMISSION LINE STRUCTURE TANGENT HORIZONTAL LINE POST			
DR	CHK	LD	E/TS	LIE	LIE	DATE				
A	02/01/10	FOR CLIENT REVIEW			PROJECT ENGINEERING MANAGER J. KIMURA		WORLEYPARSONS DWG. NO. PAVA-0-SK-167-201-001			
REV	DATE	DESCRIPTION			PROJECT MANAGER B. PIETRUCHA		SCALE	DRAWING SIZE	Rev.	
					NONE			ANSI A (35" x 11")	A	

PAVA-0-DV-167-201-001-RA.dwg



ISOMETRIC OPTION 3
 SCALE: 1/8"=1'-0"

5

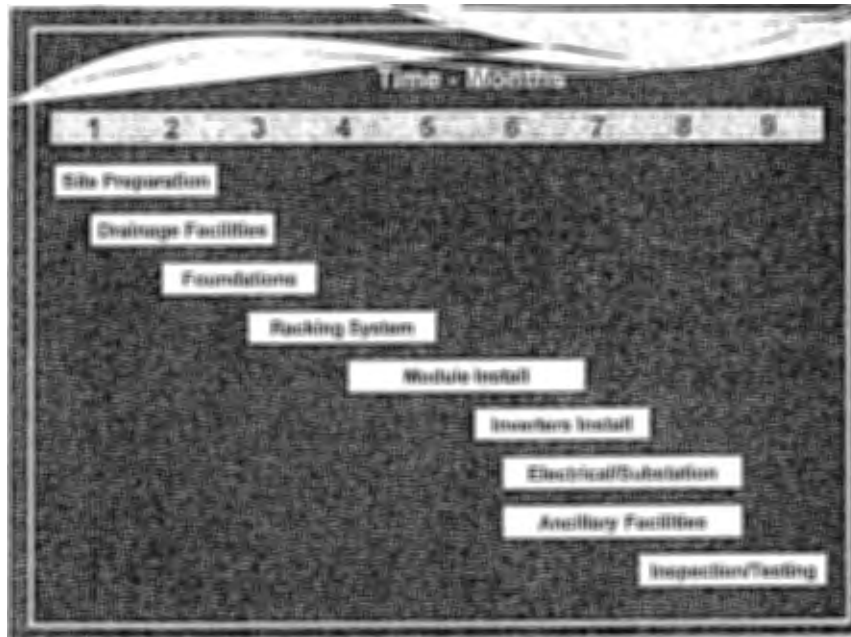
PATH: G:\ARCHITECTURE\PROJECTS\2009\29403998 PACIFIC VALLEY SOLAR\SS.DWG
 BY: ADRIANO TEIXEIRA
 PLOT DATE: 11/5/2009 2:33 PM
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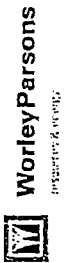
URS
 CORPORATION
 STRUCTURAL ENGINEERING DIVISION

FOUNDATION FOR SOLAR PANEL SUPPORT SYSTEM
 PACIFIC VALLEY LLC
 115 WEST CANON PERDIDO STREET
 SANTA BARBARA, CA 93101 805.284.9026x102
 ISOMETRIC OPTION 3

JOB NO:	29403998
DATE:	11/5/09
ENGINEER:	DK
DRAWN:	AJT
S-5	

**FIGURE 3-9
CONSTRUCTION SCHEDULE**





Preliminary Construction Labor Schedule for PV Project Pacific Valley PV

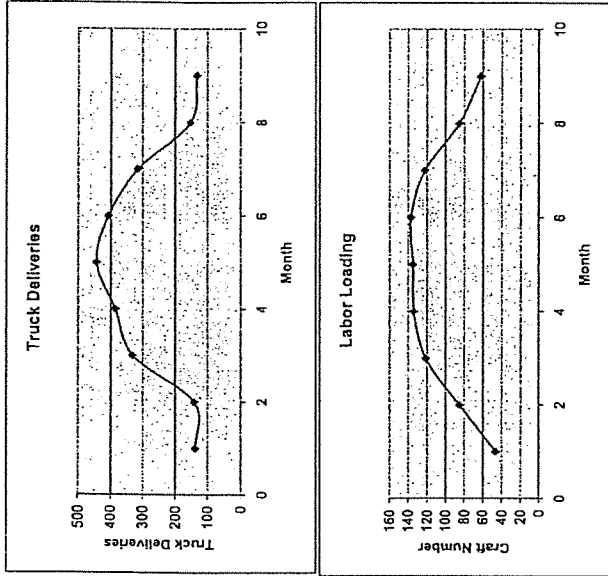
3/23/2009

	Monthly Number								
	1	2	3	4	5	6	7	8	9

TOTAL CRAFT	36	73	108	121	122	124	109	72	52
TOTAL STAFF	10	12	13	13	13	13	13	13	10
Total personnel	46	85	121	134	135	137	122	85	62
ON SITE CONSTRUCTION EQUIPMENT	16	22	22	21	21	20	19	14	14
OFF SITE CONSTRUCTION EQUIPMENT	120	118	308	364	422	386	295	138	118
TOTAL EQUIPMENT	136	140	330	385	443	406	314	152	132

Peak Vehicle Trips 137 per day
 Average Vehicle Trips 103 per day
 Peak Round Trip Truck Trips 443 per month
 Average Round Trips Truck Trips 271 per month
 20 per day based on 22 days per month
 12 per day based on 22 days per month

Notes:
 Schedule based on 22 working day month



927

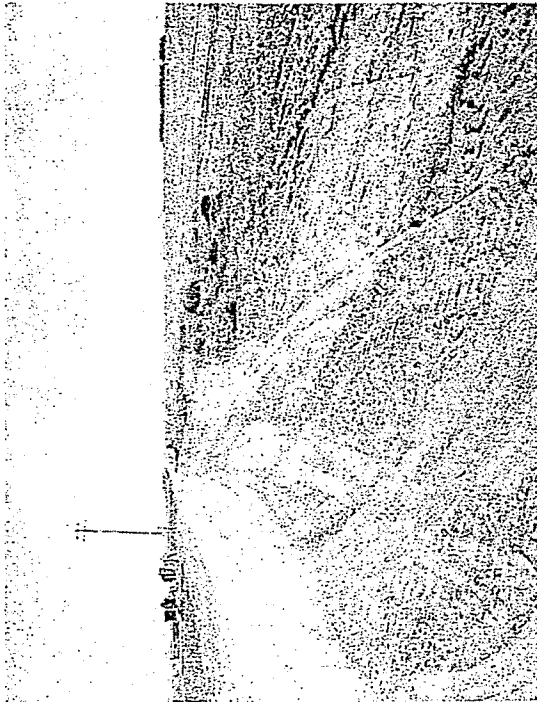
2440

Construction Equipment and Motor Vehicle Numbers

Equipment/Vehicle Type	NOTES	Description	No. Axles	Gross Weight (lbs)	Monthly Number								
					1	2	3	4	5	6	7	8	9
Construction Equipment													
On-Site Construction Equip													
Scrapers, Cat		Cat 623	2	50,000	3	1	1	1	1	1	1	1	1
Dozer, Cat		Cat D6	N/A - track	37,500	1	1	1	1	1	1	1	1	1
Motor Grader, Cat		Cat 14G	3	49,500	1	1	1	1	1	1	1	1	1
Roller/Compactor		Cat CS-553	2	23,800	1	1	1	1	1	1	1	1	1
Boom Truck/Crane		Terex 3063	2	30,000	3	3	3	3	3	3	3	3	3
Rough Terrain Fork Lift		Case 586G	2	14,000	1	2	2	2	2	2	2	1	1
Backhoe		Cat 436	2	14,700	1	3	3	3	3	3	3	1	1
Front End Loader		Cat 950	2	34,000	1	3	3	3	3	3	3	1	1
Water Truck		FriLiner 4000 gal	3	54,000 (loaded)	3	3	3	2	2	2	2	2	2
Dump Truck		International	3	64,000 (loaded)	1	1	1	1	1	1	1	1	1
On site flat bed truck		Various	3	21,000	1	1	1	1	1	1	1	1	1
On-site Hydraulic Pipe Driver		Various	2 to 3	20,000 to 35,000	1	2	2	2	2	1	0	0	0
					18	22	22	21	21	20	19	14	14
OffSite Vehicles													
	3		No. Axles	Gross Vehicle Weight (lbs) loaded									
Off-Site Flat Bed Trucks		N/A	5 to 7	Up to 80,000	5	5	5	5	5	5	5	5	5
Off-Site PV Panel Trucks	6	N/A	5 to 7	Up to 80,000	0	0	20	20	20	20	20	20	0
Off-Site Inverters	6	N/A	5 to 7	Up to 80,000	0	0	0	0	10	20	10	0	0
Off-Site Mouting Structures	6	N/A	5 to 7	Up to 80,000	0	15	35	35	35	35	35	0	0
Off-Site Gravel Rock Trucks	6	N/A	7	Up to 80,000	0	0	150	200	250	200	100	0	0
Off-Site Cabling Trucks	6	N/A	5 to 7	Up to 80,000	0	0	0	0	0	5	10	10	0
Off-Site Fencing Trucks	6	N/A	5 to 7	Up to 80,000	0	0	0	0	0	0	0	0	10
Off-Site Water Trucks	1	FriLiner 4000 gal	3	22,000 empty	44	44	44	44	44	44	44	44	44
Off-Site Fuel & Lube	2	N/A	2	41,000	22	22	22	22	22	22	22	22	22
Off-site Concrete Truck		N/A	5 to 7		0	0	0	1	0	0	0	0	0
Off-site Insulation Truck		N/A	3		0	0	0	0	0	1	0	0	0
Off-site Roof truck		N/A	3		0	0	0	0	0	1	0	0	0
Off-site Wall Truck		N/A	3		0	0	0	1	0	0	0	0	0
Off-Site Structural Steel truck		N/A	3		0	0	0	3	0	0	0	0	0
Off-site electrical Truck		N/A	3		0	0	0	0	1	0	0	0	0
Off-site Mechanical Truck		N/A	3		0	0	0	0	1	0	0	0	0
Off site plumbing Truck		N/A	3		0	0	0	0	1	0	0	0	0
Off site architectural Truck		N/A	3		0	0	0	1	1	1	0	0	0
Dump Truck	4	N/A	3	26,000 empty	22	22	22	22	22	22	22	22	22
Low Bed Delivery Trucks	8	N/A	7	Up to 80,000 (overloads will necessitate permits for heavy hauls)	22	5	5	5	5	5	22	10	10
Porto-Let Truck	5	N/A	3	24,000	5	5	5	5	5	5	5	5	5
Off-Site Worker Commute		Auto	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
					120	118	308	364	422	386	295	138	118
Total Vehicle Equipment Trips					138	140	330	385	443	406	314	152	132
Construction Workers' Vehicles													
CARPENTER						4	4	4	4	4	4	4	4
ELECTRICIAN						5	20	20	20	25	25	25	15
IRONWORKER (CIVIL & STRUCT)	7					10	30	30	30	25	20	15	10
LABORERS (CIVIL, CONCRETE, STRUCT, ELEC, & MECH)						10	30	30	40	40	30	5	5
OPERATING ENGINEERS (CIVIL, CONCRETE, STRUCT, ELEC & MECH)						8	6	4	4	3	3	3	3
PIPEFITTERS						3	3	5	8	10	12	5	5
TEAMSTERS (CIVIL, CONCRETE, STRUCT, ELEC, & MECH)						15	15	15	15	15	15	15	10
TOTAL CRAFT						36	73	108	121	122	124	109	52
CONSTRUCTION STAFF						5	7	7	7	7	7	7	5
CM STAFF (NEXTERA)						3	3	3	3	3	3	3	3
SUBCONTRACTORS						2	2	3	3	3	3	3	2
TOTAL STAFF						10	12	13	13	13	13	13	10
Total Labor Force						46	85	121	134	135	137	122	62

- Notes:
- 1 It is assumed that two water trucks will travel to the site each day during construction.
 - 2 It is assumed that a fuel and lube truck will service the project on a daily basis.
 - 3 The off site vehicles generate the number of trips to and from the project
 - 4 The dump truck is assume to come to site each day to offhaul debris and other items - one trip each day
 - 5 Porta Johns will require cleaning once per week on average
 - 6 Assume Ironworkers assemble the steel/aluminum framing components
 - 7 The low bed trucks will deliver on-site construction equipment as needed

Site Photo # 1 Northwest Corner, Due East



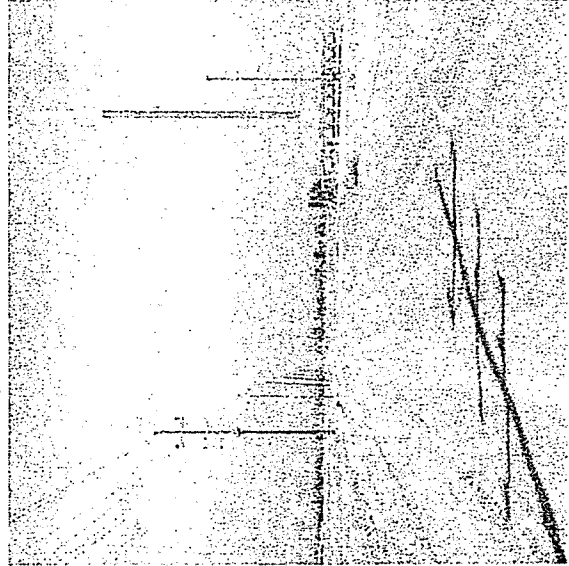
Site Photo # 2 Northwest Corner, Due Southeast



Site Photo # 3 Northwest Corner, Due South



Site Photo # 4 Western Boundary, Northern, Due North

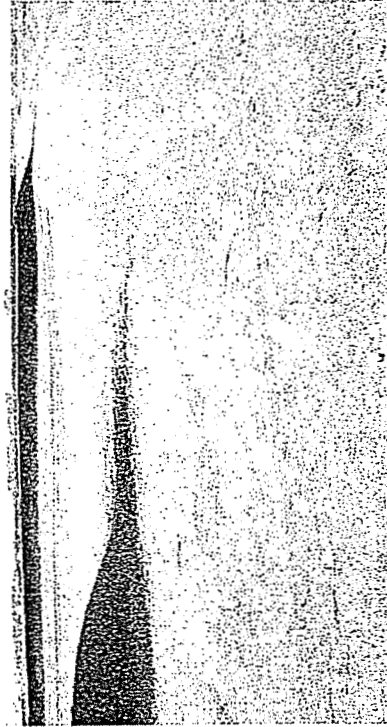


Note: Existing 90kV Transmission Corridor, Pole #12 and Adjacent Structures in Foreground.

Site Photo # 6 Western Boundary, Northern, Due Southeast

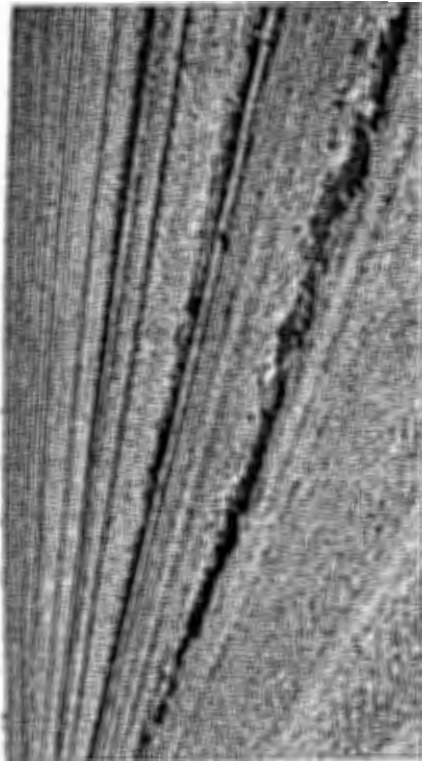


Site Photo # 8 Western Boundary, Central, Due East-Northeast



Note: Temporary Composting Operation and Existing Private Access Road

Site Photo # 5 Western Boundary, Northern, Due Northeast



Site Photo # 7 Western Boundary, Central, Due Northeast

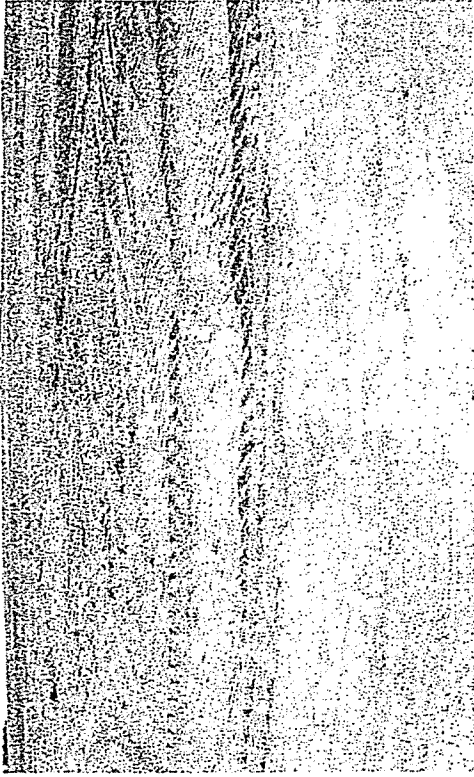


Note: Temporary Composting Operation

Site Photo # 9 Western Boundary, Central, Due East/Southeast



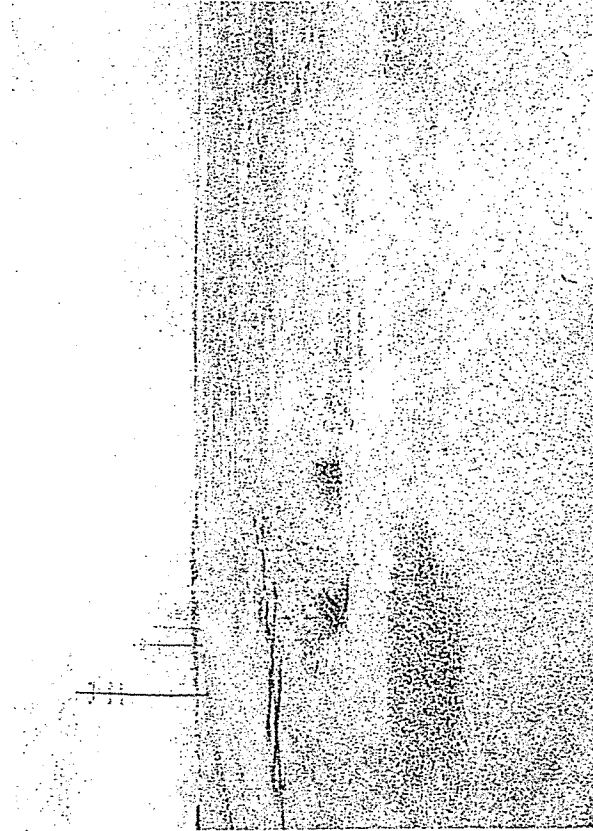
Site Photo # 10 Western Boundary, Central, Due Southeast



Site Photo # 11 Western Boundary, Central, Due South



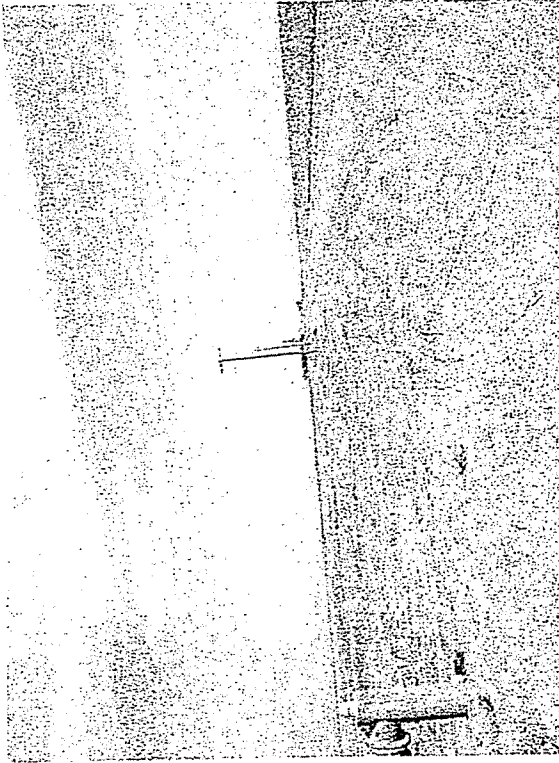
Site Photo # 12 Southwest Corner, Due North



Note: Existing 69KV Transmission Corridor, Pole #1/11 in Foreground

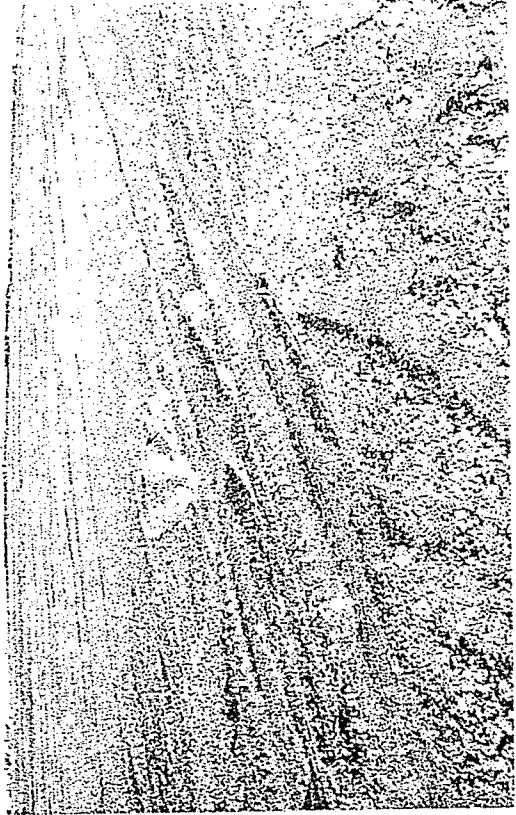
Note: Existing 69KV Transmission Corridor, Pole #1/16 in Foreground

Site Photo # 14 Southwest Corner, Due East

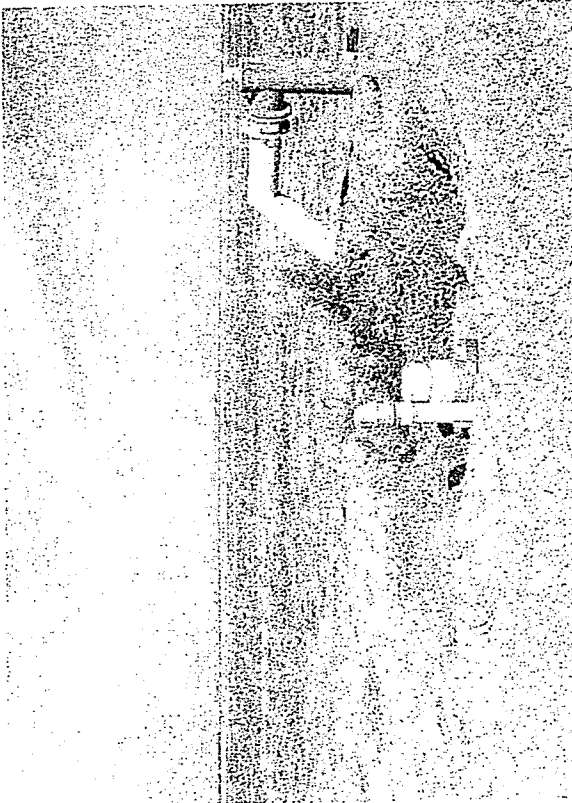


Note: Existing Distribution line along W. Jeffrey Ave., Adjacent to Southern Boundary.

Site Photo # 16 Southeast Corner, Due Northwest

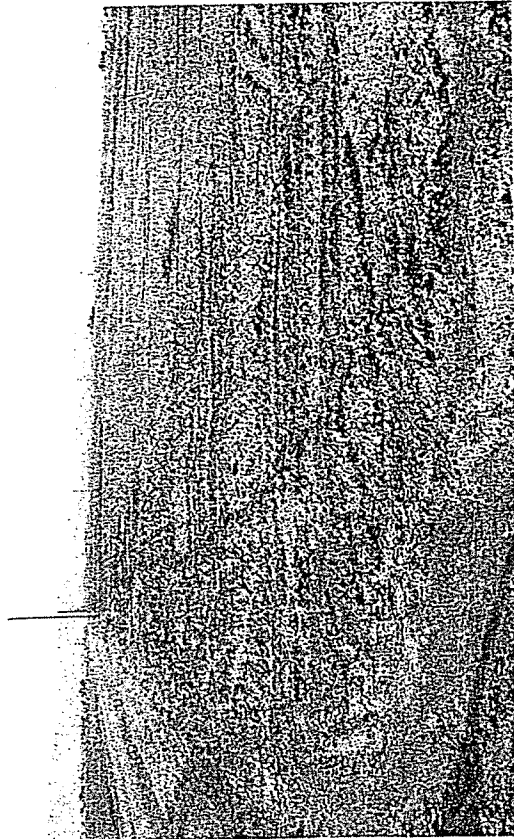


Site Photo # 13 Southwest Corner, Due Northeast



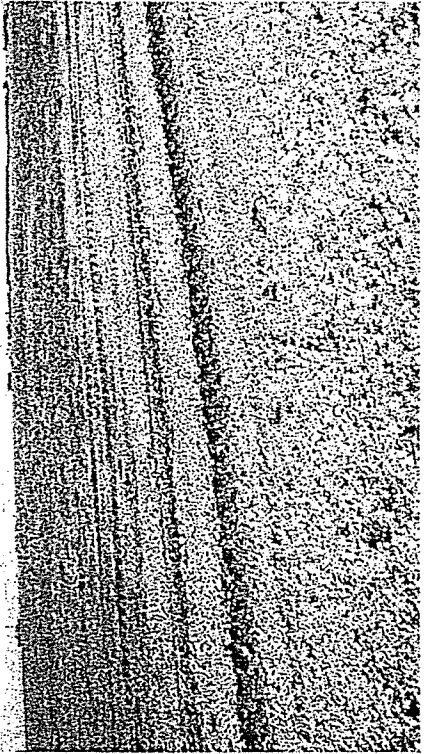
Note: Existing Water Distribution Equipment

Site Photo # 15 Southeast Corner, Due West



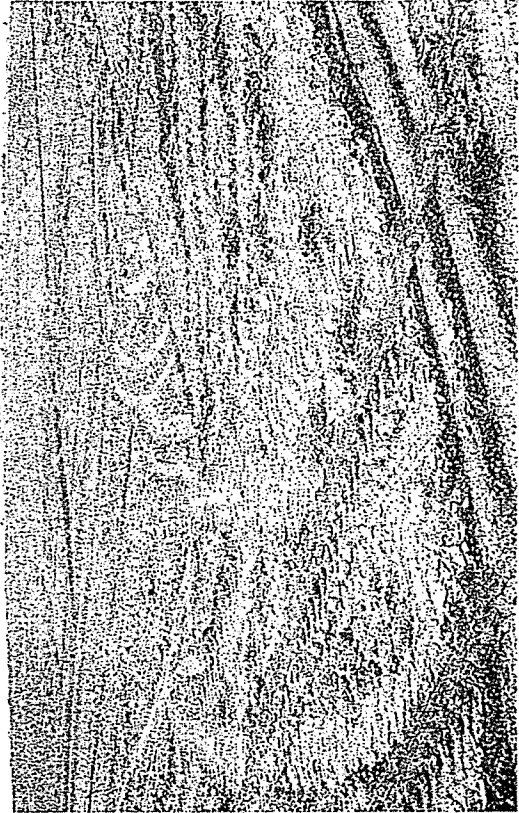
Note: Existing Distribution line along W. Jeffrey Ave., Adjacent to Southern Boundary.

Site Photo # 18 Eastern Boundary, Southern, Due West



Note: Low-lying Vegetation (Invasive-Weed) within the Project Site.

Site Photo # 20 Eastern Boundary, Central, Due Southwest



Site Photo # 17 Southeast Corner, Due North



Note: Private On-Site Road, Adjacent to Eastern Boundary.

Site Photo # 19 Eastern Boundary, Central, Due South

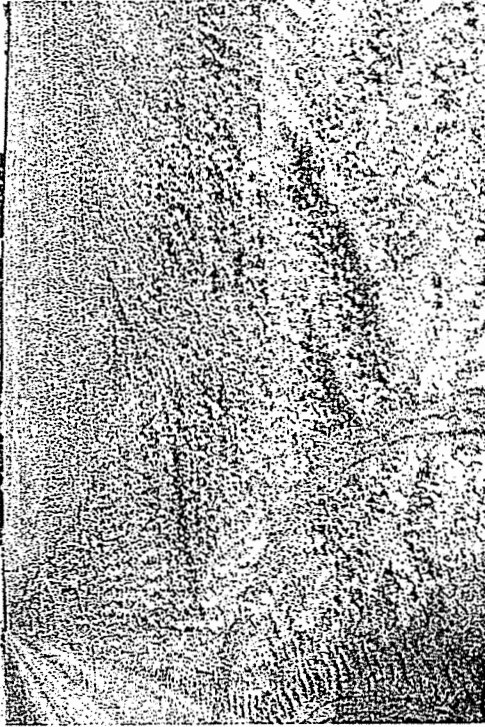


Note: Private On-Site Road, Adjacent to Eastern Boundary.

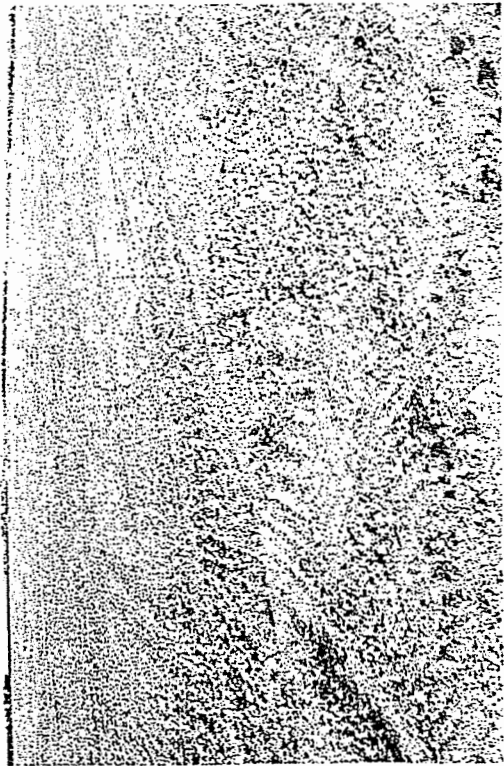
Site Photo # 21 Eastern Boundary, Central, Due West-Southeast



Site Photo # 22 Eastern Boundary, Central, Due West-Southeast

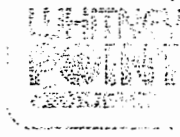


Site Photo # 23 Eastern Boundary, Central, Due Northwest



Site Photo # 24 Eastern Boundary, Central, Due North





Mr. Ejaz Ahmad
Fresno County Public Works and Planning
2220 Tulare Street
Fresno, CA 93721

Re: Whitney Point Solar LLC
CUP 3295
SOLAR FACILITY GUIDELINES

CUP 3295

RECEIVED
COUNTY OF FRESNO

JUL 12 2011

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

MOST CURRENT

Dear Mr. Ahmad:

The county recently announced a set of solar facility guidelines to be used for evaluating Williamson Act cancellation requests by solar developers in the county. The county requested that Whitney Point Solar LLC respond to these guidelines. Therefore, we are providing responses to each of the nine items in the guidelines.

- 1. Information shall be submitted regarding historical agricultural operations for the past ten years.

Response: Data is only available from 2007 through 2011.

- 2007: Dry farmed wheat
- 2008: Fallow
- 2009: Fallow
- 2010: Dry farmed wheat
- 2011: Dry farmed wheat

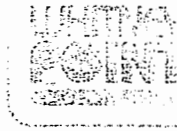
Source: Terra Linda Farms

- 2. Information shall be submitted that identifies the source and quality of the water used by the farm for the past ten years and anticipated water source for the proposed project.

Response: Since 2007, the parcels have not been irrigated. Therefore, there is no water source.

Source: Terra Linda Farms

Whitney Point will obtain water from the Westlands turnout located on the project site. Water will be purchased from farmers with excess water, and stored in a water tank on site for use as needed.



As indicated by Westlands Water District, the district's laterals draw water from California Aqueduct/ San Luis Canal, therefore water quality from the turnout providing service to the project would be substantially the same. Real time water quality data is provided in Table 2-1 for the Cal-Aqueduct Check 13 (KA007089) monitoring station operated by the California Department of Water Resources situated along the California Aqueduct.

**TABLE 2-1
CAL-AQUEDUCT CHECK 13 (KA007089) MONITORING STATION
DAILY DATA MEASUREMENTS**

Date	Electrical Conductivity (uS/cm)	PH Value (pH)	Temperature (Degree Celsius)	Turbidity (ntu)	Ultra Violet 254 Nano Meters (u/cm)
6-1-2011	344.9	8.4	15.3	12.07	0.086
6-2-2011	290.3	8.2	16.6	15.45	0.082
6-3-2011	253.00	7.9	16.8	20.59	0.078
6-4-2011	220.80	7.8	16.8	28.56	0.072
6-5-2011	210.5	7.7	17.0	26.78	0.073

3. Identify the current status of the parcel, and indicate any deed restrictions.

Response: The two Whitney Point Solar parcels, APN 060-042-16S and APN 060-042-17S, are on private land, and have no deed restrictions. These parcels are not in the Williamson Act, and, therefore, have no agriculture contract.

4. Identify the current soil types and soil units from the NRCS database and the State Farmland Mapping and Monitoring System.

Response: The land is not classified as Prime Farmland.

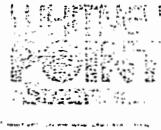
The Department of Conservation Land Evaluation and Site Assessment (LESA) Land Capability Classification (LCC) classifies the Whitney Point site as IIIs/IIIw, which relates to a score of 60 out of 100. Prime farmland has a score of 100.

The Department of Conservation Farmland Mapping and Monitoring Program classifies the Whitney Point Solar Project site as "farmland of statewide importance".

The site is composed of two soil components however the site is predominantly composed of Soil Unit 475-Posochanet clay loam. A NRCS description of the soil unit is provided below:

Map Unit Setting:

Elevation: 160 to 270 feet



Mean annual precipitation: 6 to 8 inches Mean annual air temperature: 62 to 63 degrees F
Frost-free period: 230 to 250 days

Map Unit Composition:

Posochanet, clay loam, saline-sodic, wet, and similar soils: 88 percent
Minor components: 12 percent

Properties and Qualities:

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well 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: About 48 to 60 inches
Frequency of flooding: Rare
Frequency of ponding: None
Calcium carbonate, maximum content: 2 percent
Gypsum, maximum content: 2 percent
Maximum salinity: Very slightly saline to strongly saline (4.0 to 20.0 mmhos/cm)
Sodium adsorption ratio, maximum: 50.0
Available water capacity: Moderate (about 7.4 inches)
Land capability classification (irrigated): 3s Land capability (non-irrigated): 7s

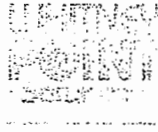
Typical Profile:

0 to 7 inches: Clay loam
7 to 15 inches: Clay loam
15 to 24 inches: Stratified loam to silty clay loam
24 to 60 inches: Stratified loam to silty clay loam

5. List all proposed measures and improvements intended to buffer the proposed project from the adjacent agricultural operations (detailed information must be shown on the site plan), and provide factual/technical data supporting the effectiveness of the measures.

Response: Farming operations are located adjacent to the Whitney Point project site. The Project will be minimally staffed (assume one or two personnel on a full-time basis, and occasional maintenance staff for periodic panel washing or electrical inspection/repair).

Whitney Point Solar will buffer the project site with 6.6-ft cyclone fencing for security and a buffer distance of 52 ft to 72 ft between the road centerline and the first array on the west and east sites of the project, 60 ft on the south side, and 400 ft on the north side.



Whitney Point Solar's Integrated Pest Management Plan (IMP) for weed control will focus on the perimeter of the project site, preventing potential injury to adjacent lands.

We believe that these measures will provide an effective buffer between adjacent farming operations and the solar array fields.

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

Response: Whitney Point Solar provided the county with a Reclamation Plan and restoration cost estimate.

7. Provide information documenting good faith efforts to locate the proposed project on non-agricultural lands.

Response: Pacific Valley's goal in site selection is always to locate sites with minimum impacts to the environment. When we began looking for sites in Fresno County, we searched for locations where there was open space or land that was abandoned. In addition, the following siting criteria were applied (required to produce a successful project):

- Parcel not subject to Williamson Act Contract
- Land slope less than 2%, and preferably close to 1% or less
- Sufficient solar insolation levels
- No hydrological features (deep swales, streams, etc)
- No sensitive biological resources on or adjacent to the site
- No residences within ½ mile of the site
- Parcel zoning is compatible with solar facility development
- Reasonable site access via road network
- Minimal shading from nearby hills or manmade structures
- Less than 1 mile from a 69 kV or 115 kV transmission line or substation
- High probability of sufficient capacity of the transmission line/substation
- Acceptable cost for transmission system upgrades
- Geotechnical conditions that will support required foundations

As you can see, many criteria must be satisfied in order to identify a potentially attractive site. The siting process we applied evaluated every parcel 80 ac or larger in Fresno County outside of populated areas. The Whitney Point Solar parcels rose to the top primarily because

- There was good energy injection capacity in the area,



- There was an acceptable injection point close to the project site,
- The parcels were not in the Williamson Act,
- No residences were present within a mile of the parcels, and
- No biological, hydrological, or other environmental issues were identified.
- The land was not prime farmland, and was only dry farmed in recent years due to a lack of water for irrigation.

All parcels evaluated outside of the farming areas (e.g. near Route 5) were ecologically sensitive, and lacked an injection point for the energy produced.

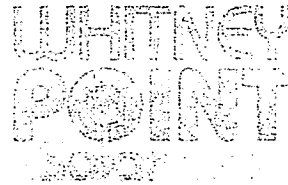
8. A pest management plan must be submitted with the CUP Application that demonstrates that insects or other pests will not impact adjacent farming operations.

Response: Whitney Point Solar submitted to the county reports entitled "Weed Management Plan" and "Rodent Control Plan".

9. The developer must acknowledge that it will comply with the California Right to Farm Act, California Civil Code Para. 3482.5.

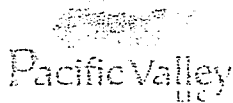
Response: Whitney Point Solar will comply with the Right to Farm Act provisions.

WHITNEY POINT SOLAR, LLC



**PROJECT DECOMMISSIONING
AND
SITE RESTORATION PLAN**

Prepared By



**Pacific Valley LLC
115 West Canon Perdido Street
Santa Barbara, CA 93101**

CUP 3295

RECEIVED
COUNTY OF FRESNO

JUL 03 2011

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

*MOST CURRENT
(REVISED)*

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FIGURE 1-1 REGIONAL OVERVIEW

FIGURE 1-2 PROJECT OVERVIEW

EXHIBIT 1 SITE PLAN

1.0 INITIAL PROJECT DECOMMISSIONING AND SITE RESTORATION PLAN

1.1 Introduction

Whitney Point Solar, LLC, (Whitney Point Solar) is proposing to develop solar photovoltaic (PV) generating facilities located on a 320 acre site in Fresno County, California, between the community of Westside and the community of Five Points, situated on privately owned land (Figure 1). A right-of-way will provide access to the project site, and will include a transmission line interconnecting to PG&E (Figure 2).

The project is expected be in operation for 25 to 30 years (the anticipated length of the power purchase agreement). If the plant is decommissioned at the end of this period, Whitney Point Solar or its successor in interest will be responsible for the removal, recycling, or disposal of all solar arrays, inverters, transformers and other structures on the site, depending upon the proposed future use of the site. Whitney Point Solar anticipates using the best available recycling measures at that time of decommissioning.

1.2 Existing Use

The Whitney Point project site consists of tilled cropland, except for a small area used for a mulching operation, consisting of haystacks and manure piles.

The project site has been dry farmed for several years, typically with barley. The area surrounding the project site is also cropland, including grain, low-growing row crops, and irrigated alfalfa and cotton.

1.3 Planned Use

The Whitney Point Solar Project is being developed to provide solar photovoltaic power to serve the electrical requirements of California. The Whitney Point Solar Project consists of two 160-acre 20 megawatt (MW) alternating current (AC) projects located on adjacent parcels. The parcels will be purchased by Whitney Point Solar LLC or its Transferee.

The project will involve installation of various facilities, such as ground-mounted solar arrays, switchyard, inverters, electrical conduits, foundations, and maintenance building. The foundations and electrical conduits will be located underground. Exhibit 1 shows a Site Plan for the facility.

1.4 Plan Purpose

The purpose of the Plan is to ensure that if the project is decommissioned, the site restoration will be accomplished in a way that is environmentally sound, safe, and protects the public health and safety. Decommissioning is a general term used to describe a formal process to remove something from active status whereas restoration objectives aspire to return the land to some degree of its former state, after some process has resulted in its disturbance.

Future conditions that could affect decommissioning are largely unknown at this time; however the best available technologies and management practices will be deployed to ensure successful project decommissioning and site restoration.

1.5 Plan Objectives

In order to ensure that decommissioning will be completed in a manner that is environmentally sound, safe, and protects the public health and safety, Whitney Point Solar or its successor in interest will submit a Final Plan for Project Decommissioning to Fresno County for review and approval before the project's decommissioning begins. Overall, the plan will include a discussion of:

- Proposed decommissioning activities for the project and all appurtenant facilities that were constructed as part of the project;
- The activities necessary to restore the site if the plan requires removal of equipment and appurtenant facilities; and
- Decommissioning alternatives at the time of final decommissioning.

Satisfying the above requirements should serve as a safeguard, even in the unlikely event that the project is abandoned.

1.6 Project Decommissioning

When the project reaches the end of its operational life, the component parts will be dismantled and recycled. All waste resulting from the decommissioning of the facility will be transported by a certified and licensed contractor and taken to a landfill/recycling facility in accordance with all local, State, and federal regulations.

The Initial Project Decommissioning Plan for the project site will include the following:

- The facility will be disconnected from the utility power grid.
- Individual PV panels will be disconnected from the on- site electrical system.
- Project components will be dismantled and removed using conventional construction equipment and recycled or disposed of safely.
- Individual PV panels will be unbolted and removed from the support frames and carefully packaged for collection and return to a designated recycling facility for recycling and material re- use.
- Electrical interconnection, transmission, and distribution cables will be removed and recycled offsite by an approved recycling facility.
- PV Panel support steel and support posts will be removed and recycled off- site by an approved metals recycler.

- Electrical and electronic devices, including inverters, transformers, panels, support structures, lighting fixtures, and their protective shelters will be recycled off- site by an approved recycler.
- Any hazardous materials will be removed and disposed in accord with the current regulations.
- All concrete that is removed from the switchyard and on-site distribution system will be recycled off- site by a concrete recycler or crushed on site and used as fill material.
- Fencing will be removed and recycled off- site by an approved metals recycler.
- Soil erosion and sedimentation control measures will be re- implemented during the decommissioning period and until the site is stabilized.
- Only minimal grading is expected to be required.

1.7 Site Restoration

Restoration activities will return the project site to agriculture production (e.g. grain or row-crops), or another useful purpose. Return the land to agricultural production will entail increasing the nutrient content to pre-construction levels and aerating the soils through regular tilling. If the land were to be utilized for another useful purpose, soil stabilization techniques will be deployed to ensure topsoil preservation.

The Initial Site Restoration Plan for the project site will include the following:

- New gravel roads will be removed; filter fabric would be bundled and disposed of in accordance with all applicable regulations. Road areas would be backfilled and restored to their natural contour.
- Existing wells or pumps located on the periphery of the site will be maintained in place. Any ditches used for temporary water transport within a site will be removed for the project. These irrigation works will be restored if appropriate or necessary.
- Restoration activities would entail one of the following measures:
 - If land is to be used for agriculture use, the nutrient content of the soil would be restored to pre-construction concentration levels (if degraded) and the land would be tilled regularly to ensure aeration of soils and proper weed management; or
 - If the land is to be converted for another purpose, soil stabilization techniques would be deployed to prevent topsoil erosion. Conversion to another use consistent with applicable land use regulation in effect at that time.
- All permits related to restoration would be obtained where required

1.8 Estimated Costs

Whitney Point Solar or Transferee will provide financial security for the performance of its decommissioning and restoration obligations based on the Initial Decommissioning and Site

Restoration Plan. A decommissioning cost estimate will be prepared and submitted to the County of Fresno. The cost estimate will be used to determine the value of the Performance Bond to ensure that the funds will be available for decommissioning and site restoration (see Section 3.0).

2.0 FINAL PROJECT RESTORATION AND SITE RESTORATION PLAN

2.1 Final Project Decommissioning and Site Restoration Plan

Ninety days (90) prior to decommissioning the Project Site, Whitney Point Solar will submit a Final Project Decommissioning and Site Restoration Plan ("Final Plan") to the County for its approval, which approval will not be unreasonably withheld. The Final Plan may contain measures to decommission the Project and restore the Project Site different than the Initial Plan, provided that Whitney Point Solar explains in sufficient detail the reasons for any new or substantially different measures.

2.2 Decommissioning and Restoration: Scope and Timing

2.2.1 Scope of Decommissioning

Decommissioning the Project will involve removal of the Project's components as necessary for reuse of the site, including; the solar panels, panel trackers, anchors, supports and mounts, inverter buildings, electrical conductors, electrical cables, and substation components, other structures and the re-grading of any areas significantly impacted by the removal of any components. Roads may be removed or left in place based upon the landowner's anticipated reuse after decommissioning.

2.2.2 Site Restoration

Restoration of the Project Site will be to a reasonable approximation of its original condition prior to construction allowing for any permanent improvements chosen by the underlying landowners to be left on site as provided in Section 2.3.1. The Final Plans will contain the measures necessary to fulfill Whitney Point Solar restoration obligations.

2.2.3 Timing, Exemptions and Extension

Whitney Point Solar or any Transferee, as the case may be, will decommission the Project and restore the Project Site within twelve (12) months following project termination. The twelve month (12) month period to perform the decommissioning and restoration may be extended for one additional twelve (12) month period if there is a delay caused by forces beyond the control of Whitney Point Solar including, but not limited to inclement weather conditions, planting requirements, equipment failure, wildlife considerations or the availability of equipment or personnel to support decommissioning.

2.2.4 County Access and Reporting

The County will be granted access to the Project site during decommissioning of the Project for purposes of inspecting any decommissioning work or to perform decommissioning evaluations. County personnel must provide a 5-day pre-notification for site access on the Project site and must observe all current owner safety standards and protocols. If requested by the County,

Whitney Point Solar will provide monthly status reports until this decommissioning work is completed.

3.0 DECOMMISSIONING AND RESTORATION FUNDING AND SECURITY

3.1 Decommissioning and Restoration Obligations

Whitney Point Solar or a Transferee, as the case may be, will post a Performance Bond as described in 3.2 below to ensure the availability of funds to cover Whitney Point Solar decommissioning and restoration obligations. Whitney Point Solar will deliver the Performance Bond to Fresno County after receipt of the Conditional Use Permit and prior to the start of construction. The Initial Plan will provide that such estimated costs of Whitney Point Solar potential decommissioning and restoration obligations. The Initial Plan also will provide that such estimated costs will be re-evaluated at the conclusion of construction of the Project and every ten (10) years thereafter from the date of Substantial Completion to ensure sufficient funds for decommissioning and restoration and, if deemed appropriate at that time, the amount of the Performance Bond will be adjusted accordingly.

3.2 Performance Bond

Whitney Point Solar or Transferee, as the case may be, will provide financial security for the performance of its Decommissioning and Restoration obligations assuming the site is restored to agricultural use through a Performance Bond issued by a surety registered with the California State Insurance Commissioner and is, at the time of delivery of the bond, is on the authorized insurance provider list published by the Insurance Commissioner. The performance Bond will be in an amount equal to 100% of the estimated costs for Whitney Point Solar decommissioning and restoration obligations provided in the Initial Plan. The Performance Bond will be for a term of one (1) year, and will be continuously renewed, extended, or replaced so that it remains in effect for the remaining term of the agreement or until the secured decommissioning obligations are satisfied, whichever occurs later.

Landowner Notification

As required by the County of Fresno, the landowner of the Whitney Point Solar Project (consisting of two 20 MW solar projects on parcels APN 060-042-16S and 060-042-17S) must acknowledge receipt of this Decommissioning and Restoration Plan.

Terra Linda Farms
17625 South Marks Avenue
Riverdale, CA 93656

Date



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Whitney Point Solar, LLC
- APPLICATION NOS.: Initial Study Application No. 6277 and Unclassified Conditional Use Permit Application No. 3295
- DESCRIPTION: Allow a photovoltaic solar power generation facility with related improvements on two contiguous parcels of land totaling 320 acres in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues approximately one mile east of Fresno-Coalinga Road (State Route 145) and 3.3 miles southwest of the unincorporated community of Five Points (SUP. DIST.: 4) (APNos: 060-042-16S and 17S).

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

FINDING: NO IMPACT:

The project site is located within an area of agricultural land uses in the southwestern portion of Fresno County.

There is no known designated scenic vista or scenic resources, including rock outcroppings and historic buildings on or in the vicinity of the project site. The main access to the project site will be from Paige Avenue which connects Fresno-Coalinga Road (State Route 145) to the west of the property. Fresno-Coalinga Road is not designated as scenic highway in the County General Plan. The project will not have adverse effects on scenic resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

DEVELOPMENT SERVICES DIVISION

The project site is located on inactive farmland located within an area of agricultural land uses. Parcels adjoining to the north, south, east and west of the site are also farmland and range from 20-acre to 120-acres in size. The nearest single family residence is approximately 2,988 feet to the northwest of the project site.

The proposed development on the subject 320-acre site consists of a total of approximately 214,800 photovoltaic (PV) panels, a 100 foot by 200 foot operations and maintenance (O&M) building, 110 foot by 215 foot plant switchyards, 50,000 gallon water storage tanks, on-site storm water retention basins and related parking. The proposed facility will produce an estimated 40 mega watts (MW) electricity which will be delivered to the Pacific Gas and Electric (PG&E) power grids for use in California. The photovoltaic (PV) configuration for the project is a horizontal single-axis tracking system which will track the apparent motion of the sun in the East-West direction throughout the day.

Given the distance, the project's impact on the nearest residential development will be less than significant. The project, however, may impact quality of agricultural land as indicated by the Fresno County Agricultural Commissioners' Office (Ag Commissioner). According to Ag Commissioner, the proposed development will 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. According to the Ag Commissioner: 1) 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 and 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; and 2) the agency shall be contacted regarding control plans and abatement techniques prior to site development. These requirements will be included as project notes.

On January 2011, Pacific Valley, LLC prepared Integrated Pest Management Plans for Noxious Weed Control and Pest Control. Ag Commissioner reviewed the Plans and approved them on January 10, 2011.

- 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:

According to the applicant's operational statement, the photovoltaic field will not contain any lighting. However, the proposed Operation and Management Buildings and plant switchyards will have exterior illumination for surveillance purposes. To address any potential lighting impacts a mitigation measure will require that all lighting be hooded and directed as to not shine towards adjacent properties and public streets.

*Mitigation Measure

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

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:

The subject 320-acre project site is designated as Farmland of Statewide Importance on the Fresno County Important Farmland Map 2006. Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings. The property is not zoned or used as forest land or timberland and is not under Agricultural Land Conservation Contract. The proposed use is not in conflict with agricultural zoning and is allowed by discretionary approval on agriculture land provided it meets applicable general plan policies.

The Fresno County Agricultural Commissioners' Office (Ag Commissioner) reviewed the project and requires a restoration plan should the proposed project becomes non-operational in the future. The Policy Planning Division of the Department of Public Works and Planning requires the same in their comments on the proposal. On June 3, 2011, the applicant submitted a Project Decommissioning and Site Restoration Plan in reference to Item 6 of the nine-point Solar Facilities Guidelines approved by the Fresno County Board of Supervisors on May 3, 2011. The Plan detailed project lease life and timeline for removal of the improvements and specific measures to return the site to its prior farming capability. As part of the Reclamation Plan, an engineering cost estimate of reclaiming the site to its previous agricultural condition was also submitted on June 3, 2011. The Fresno County Agricultural Commission (FCAC) reviewed the information provided by the applicant related to the nine-point Solar Facilities Guidelines and in its comment dated May 5, 2011, indicated that Items 8 and 9 of the Guidelines related to pest management plan and right-to-farm provision satisfactorily addresses FCAC concerns. No further comments were offered by FCAC.

Although the site has been unfarmed for a number of years and is disked periodically, the agricultural nature of the property may be impacted by the proposal. The project will result in the temporary loss of farmland while the project site is being utilized for solar activities. But as indicated in the Reclamation Plan named as Project Decommissioning and Site Restoration

Plan prepared by Pacific Valley LLC for the project in reference to the Solar Facilities Guidelines approved by the Fresno County Board of Supervisors on May 3, 2011, the project site will be restored to agricultural use after the proposed 25 to 30 years of solar power generating activities cease operation.

To be included as a condition of approval, the said Restoration Plan shall run with the land and be stipulated in a covenant between the applicant/property owner and the County of Fresno. The Plan requires that: 1) New gravel roads shall be removed, back-filled, and restored to their natural contour; 2) the nutrient content of the soil shall be restored to pre-construction concentration levels (if degraded); 3) soil stabilization techniques shall be deployed to prevent top soil erosion; 4) the existing wells or pumps located on the periphery of the site shall be maintained in place and all irrigation works shall be restored; and 5) all storm water detention ponds within the project site shall be removed or back-filled.

Also, another condition as part of the Reclamation Plan would require that prior to issuance of a building permits, financial assurances equal to the cost of reclaiming the land to its previous agricultural condition based on an engineering cost estimate provided by the applicant for this proposal shall be submitted to ensure that the reclamation is performed according to the approved Plan.

The policy Planning Division also reviewed the applicant's response to nine-point Solar Facilities Guidelines and expressed no concerns the comments provided on May 6, 2011.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the project and indicated that the project's long-term operational emissions are expected to have a less than significant adverse impact on the air quality. However, to assess the project's short-term (construction) impact on air quality, the District required that an air emission analysis be prepared and has indicated that the project would be subject to District Rule 9510 (Indirect Source Review). All projects subject to District Rule 9510 require submittal of an Air Impact Assessment (AIA) Application to the District no later than applying for the final discretionary approval and pay applicable off-site mitigation fees before issuance of the first grading/building permit.

To comply with District Rule 9510, the applicant submitted an Air Emission Analysis and AIA Application (No. C-20100202) on December 13, 2010. On January 4, 2011, the District

deemed AIA application complete in order to quantify emission from the project and to calculate the associated off-site mitigation fee. An AIA approval letter from the District is pending.

Air District's other rules that would apply to this proposal include: 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), and Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations). To be included as project notes, adherence to these Rules will reduce air-related impacts to a less than significance level.

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

FINDING: NO IMPACT:

The project will not create objectionable odor where it can affect people in the area.

IV. BIOLOGICAL RESOURCES

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or

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

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

FINDING: NO IMPACT:

As noted earlier, the site consists of fallow agricultural land that has been unfarmed for a number of years and therefore does not provide suitable habitat for federally listed species. Both the California Department of Fish and Game (DFG) and U. S. Fish and Wild Life Service (USFWL) reviewed the project and expressed no concerns with the proposal.

The subject parcels do not contain any wetlands or waters of the United States. Given the properties current state and non-existence of wetlands or water channels on the property, no impacts were identified in regards to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the F&G or F&WL; 3) federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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.

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

FINDING: NO IMPACT:

The project will not interfere with movement or nursery sites of fish or wildlife.

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

FINDING: NO IMPACT:

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

V. CULTURAL RESOURCES

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

FINDING: NO IMPACT:

The project will not impact cultural or historical resources. The project site is not located in an area of archeological sensitivity and has been disturbed with prior farming operations.

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?
 - 1. 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. The proposed development 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:

See discussion above in Section II. A. B. C. D. E. The project will not result in the loss of topsoil. Any topsoil removed during the construction of the project will be preserved for replacement and restored at its original location after construction of project.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Individual on-site sewage disposal systems will be installed for the proposed Operation and Maintenance Buildings on the property.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and expressed no concerns related to site's capabilities for the proposed sewage disposal systems. Building permits will be required for the proposed systems from the County Building and Safety Section. This will be included as a project note.

VII. GREENHOUSE GAS EMISSIONS

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Additionally, compliance

with Air District Rules discussed in Section III of this analysis will reduce air quality impacts of the subject proposal to a less than significant level. Also, the proposed use is a relatively passive use with a construction timeline of approximately nine-months. Further, project implementation will provide a relatively emission-free mechanism for generating power to be placed on the power grid.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the information provided by the applicant, the proposed facility will not produce, transport, or release any hazardous waste into the environment.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires that: (1) prior to occupancy, the applicant shall submit either a Hazardous Materials Plan or a Business Exemption 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; and 3) for any well to be drilled on the property, a Permit to Construct Water Well shall be obtained. These requirements will be included as project notes.

- C. Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school; or
- D. Would the project be located on a hazardous materials site; or

FINDING: NO IMPACT:

The project is not within one-quarter mile of a school or sits 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: NO IMPACT:

The project site is not within the area of any clear zone or other imaginary surface of a public use airport as described under Federal Aviation Regulation (FAR) Part 77, or within an identified airport noise contour, or in the vicinity of a private airstrip.

- 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 is not located within a wildland fire 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
- 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: NO IMPACT:

According to the applicant's operational statement, the project will utilize on-site wells and individual sewage systems for the proposed office and management buildings on the property. Untreated well-water will be used for lavatories and bottled water will be used for drinking purposes. Water required for periodic washing of the photovoltaic (PV) modules will be supplied from wells and/or trucked in to the site. Washing of photovoltaic (PV) modules for 320-acre site will require approximately 88,000 gallons of water per washing twice a year. Water will be stored on-site in two proposed 50,000 gallon water storage tanks

The Fresno County Water-Geology Natural-Resources Section (WG NR) reviewed the project and expressed no concerns related to water quantity for the proposal. According to the WG NR, the project is not in water short area and washing of the solar panels would require a lot less consumption of water than would normally be required for a typical farming operations.

The Regional Water Quality Control Board (RWQCB) also reviewed the project. According to RWQCB rinse water resulting from washing of solar panels will be: 1) small in quantity; 2) of better quality than groundwater underlying the site; and 3) retained on-site. With that, RWQCB expressed no concerns with the proposal.

- 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 exist on the project site. The proposal would not result in flooding on or off-site.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal may cause changes in absorption rates, drainage patterns, or an increase in the rate and amount of surface runoff. Potential runoff, 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. According to the applicant's operational statement, a one-foot high earthen berm will be constructed around the perimeter of the project site to protect water flow to the site from adjacent properties and water flow that could be generated from the project site and flow off-site.

Development Engineering Section of the Department of Public Works and Planning reviewed the project and indicates that: 1) additional storm water runoff generated by the project shall be retained on site per County Standards; 2) an engineered grading and drainage plan will be required to show how additional storm water runoff generated by the proposal development will be handled without adversely impacting adjacent properties; 3) the grading and drainage plan shall provide the calculations to support the required and provided capacity of the two proposed on-site storm water retention basins on the property; and 4) a grading permit or voucher will be required for any grading proposed with this application. These mandatory requirements will be included as project notes and will be addressed through site plan review to be included as a condition of approval.

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

FINDING: NO IMPACT:

See discussion above in IX. A & B.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 2825 H and 3075H, the 320-acre project site is not subject to flooding from the 100-year storm. However, the northwesterly area of the parcel lot with Assessor's Parcel Number 060-042-06 is in Flood Zone A subject to flooding from 100-year storm. Any work within the designated flood zones shall conform to provision established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This will be included as a project note.

- 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.

- 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 site is designated Agriculture in the Fresno County General Plan which allows certain non-agricultural uses such as the proposed use by discretionary approval provided that the use meets General Plan Policy LU-A.3., criteria a. b. c. d.

In the case of this application, the project: 1) will operate more efficiently in a non-urban area due to the availability of large undeveloped land; 2) will be located on non-active farmland and no less productive agricultural land is available in the vicinity; 3) will utilize limited ground water and therefore will not impact area aquifer; and 4) will have work force available nearby in the unincorporated communities of Westside, Five Points and Huron. The proposal would meet the aforementioned General Plan policy.

Policy LU-A.12, LU-A.13 and LU-A.14 require that agricultural activities shall be protected from encroachment of incompatible uses, buffers between proposed non-agricultural uses and adjacent agricultural operations shall be provided, and conversion of productive farmland shall be mitigated. In this case, General Plan Policy LU-A.3 allows the proposed self-sustained, low maintenance, un-manned facility on agricultural land, the entire 320-acre site will be fenced for security purposes and to separate the use from farming operations on the adjoining properties, and a restoration plan will be required for restoration of the property to farming operations once the proposed use ceases.

- 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 the project 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: NO 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.

- 2. Police protection
- 3. Schools
- 4. Parks

FINDING: NO IMPACT:

The project will not result in the need for additional public services and will not affect existing public services.

- i. Other public facilities?

FINDING: NO IMPACT:

Pacific Gas and Electric (PG&E) and California Public Utility Commission (CPUC) reviewed the

project and expressed no concerns with the proposal.

XV. RECREATION

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

FINDING: NO IMPACT:

No impacts on recreational resources were identified in the analysis.

XVI. TRANSPORTATION/TRAFFIC

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

FINDING: NO IMPACT:

According to the applicant's operational statement, the anticipated number of workers and deliveries through the nine-month construction schedule on each 160-acre site would be 133 construction personnel in and 24 out during morning peak hours. These numbers will reverse in the afternoon hours. The commute trip to and from the site will average 103 per day and the peak will be 137 per day per project for each 160-acre site. The work will be completed in eight or 10-hour shifts with a total of five shifts per week. During operation of the facility, one to two security or maintenance personnel will visit the site to perform required routine functions. For periodical cleaning of the photovoltaic panels, 2 to 4 personnel over a period of 10-days will be needed.

Access to the project site will be from Paige Avenue via a 5,290 long dedicated right-of-way which connects Fresno-Coalinga Road (State Route 145) to the west of the property.

Both the California Department of Transportation (Caltrans) and the County Design Division of the Department of Public Works and Planning reviewed the project and did not identify any impacts upon the carrying capacities of the adjacent roadways. No Traffic Impact Study was required by either entity based on the limited time period for peak construction activity.

- C. Would the project result in a change in air traffic patterns; or

FINDING: NO IMPACT:

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

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

E. Would the project result in inadequate emergency access; or

FINDING: LESS THAN SIGNIFICANT NO IMPACT:

The County Design Division, Development Engineering Section and California Department of Transportation (Caltrans) did not identify any concerns with respect to increased traffic hazards or emergency access. However, according to the County Road Maintenance and Operations Division: 1) any ingress/egress developed to access a County maintained road from Jeffrey or Paige Avenues alignments will require an encroachment permit; 2) any improvements proposed shall setback 30 feet plus zoning setback east of the section line of Lake Avenue and 30 feet plus zoning setback north of the section line of Jeffery Avenue; and 3) plans for the improved access road shall be submitted and reviewed prior to approval and issuance of an encroachment permit. These requirements will be included as project notes and will be addressed through recommended site plan review which will be included as a condition of approval.

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: NO IMPACT:

The project will not require construction of a new water or wastewater facilities. The proposed development will construct on-site sewage disposal systems and will utilize groundwater. Additional water may be trucked in to the property.

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 above in Section IX. E. The project will adhere to the County Grading and Drainage ordinance.

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

FINDING: NO IMPACT:

See discussion above in Section IX. A. B.

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

FINDING: NO IMPACT:

See discussion above in A. B.

- 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:

Given the limited staff required for the facility, the amount of solid waste generated by the proposal would be insignificant to impact local area landfills. All solid waste will be hauled off to authorized waste disposal facilities.

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: NO IMPACT:

No such impacts on biological or cultural resources were identified in the project analysis.

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

FINDING: LESS THAN SIGNIFICATION IMPACT:

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

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3295 staff has concluded that the project will not have a significant effect on the environment. It has been determined that there will be no impacts to biological resources, cultural resources, mineral resource, population and housing, and recreation.

Potential impacts related to agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous material, hydrology & water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics have been determined to be less than significant with the identified mitigation measures.

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

EJ

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**REQUIRED FINDINGS NECESSARY FOR GRANTING
A CONDITIONAL USE PERMIT APPLICATION
AS SPECIFIED IN ZONING ORDINANCE SECTION 873**

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.
2. That the site for 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.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

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When in Fresno, do as the Fresnoans do

According to historical literature, when St. Augustine arrived in Milan (circa 390 AD), he observed that the Church did not fast on Saturday as did the Church at Rome. He consulted St. Ambrose, bishop of Milan, who replied: "When I am at Rome, I fast on a Saturday; when I am at Milan, I do not. Follow the custom of the Church where you are." Eventually, this statement was fashioned into the well-known adage, "When in Rome, do as the Romans do." In other words, it is polite — and possibly advantageous — to follow the local customs when one is a visitor.

GUEST VIEW



Dan Predpall

This should be the guiding principle for all solar developers entering a geographic region with unique cultural, social and economic customs — and it is precisely the approach that our company, Pacific Valley, has been applying in Fresno County.

Some recent media coverage in the Fresno region has signaled a divide between farmers and solar developers. I must admit that I have been disappointed, but not surprised, by what I've read.

Many in the ag community foster distrust for solar developers, perhaps stemming from a perceived lack of respect for local customs and a lack of deference to local needs, or perhaps because the farming community is concerned about the potential loss of fertile farmland. Pacific Valley, based in Santa Barbara, recognized early on that these concerns must be addressed.

Long before the Fresno County Board of Supervisors adopted its solar development policy, Pacific Valley was applying for new solar facilities in Fresno County and establishing industry best practices that accommodate agricultural interests while demonstrating respect for all stakeholders.

We currently have several projects being planned in Fresno County. In a region that is dominated by agriculture, it's nearly impossible to find suitable parcels that will have zero impact on farmland, but with extensive research, we believe we have located parcels that will be ideal for renewable energy because of their unique characteristics (e.g. close to the electric grid), and where the potential for long-term agricultural productivity is limited.

For example, our Whitney Point project in Southwest Fresno County would be sited on land that is classified as Farmland of Statewide

Importance. It is not considered Prime Farmland because of poor permeability and it is currently dry farmed due to lack of water onsite. It is also close to existing transmission lines, there are no Williamson Act contracts on the land and it has among the fewest natural resources compared to other parcels, enabling us to effectively manage environmental issues.

We invested substantial resources to locate and acquire this site so we could maximize the benefit of renewable energy while minimizing impacts to local agriculture. Moreover, we submitted a farm-land restoration plan, a weed abatement plan and a rodent control plan long before these were required under the County's new policy.

Beyond selecting a parcel most suitable for our project and applying additional layers of protection and accountability, we have been working extensively with agriculture, other stakeholders and local officials in nearby towns to educate them about our project, address any concerns and accommodate special requests, like conducting local job fairs. We have also

launched a project website and started mailing educational literature about our project to almost 30,000 people living within a 40-mile radius of our project. We feel that community awareness and public education is an important part of any land development process.

By demonstrating respect for local customs and sensitivity to local needs, this approach is helping define us as a solar developer that the agriculture community — and all county residents — can work with. This approach is creating a climate of trust and facilitating stronger collaboration among all stakeholders, which will improve quality of life in Fresno County with more jobs, additional tax revenue and clean, renewable energy for many years to come.

Dan Predpall is Pacific Valley's senior vice president of development. He has developed more than 100 power projects in California and other states over the past 30 years. For more information about the Whitney Point solar project, visit www.whitneypoint.solar.com.

WEB POLL

QUESTION



July 14, 2011

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

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

RE: Whitney Point/WestsideSolar Project – Initial Study Application
No. 6277 and Unclassified Condition Use Permit Application No. 3295

Dear Mr. Ahmad:

Thank you for the opportunity to comment on the Whitney Point/Westside 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 two substantial photovoltaic (PV) solar power plants located on two contiguous 160 acre parcels. The 320 acre Project would be located approximately one mile south of the

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www.defenders.org/california

community of Westside on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues and 5,290 feet west of the Fresno-Coalinga Road (State Route 145) in an unincorporated portion of western Fresno County (County).

The proposed Project is comprised of 98,560+/- single axis tracking solar PV panels to be installed at the each of the solar plants for a total of 197,120+/- panels. Each power plant is expected to generate approximately 20 megawatts. The proposed Project includes a substation, a 1.6 mile 70kV transmission tie-line, and associated onsite operations and maintenance building, conversion stations, and power distribution center. The entire project site will be fenced and internal access roads for maintenance and operations will be constructed. One mile of an un-named road between the Project site and the Schindler-Coalinga #2 line to the west will also be improved.

These comments are in response to the County's proposed Initial Study and Mitigated Negative Declaration (IS/MND). Based upon the materials submitted by the applicant, the project site appears viable and by being located on fallow land may have the features of a "lower" impact project site. Defenders would like to be able to support this project. Unfortunately, the draft IS/MND are deficient and unnecessarily risk exposing the project to potential challenges if adopted as currently drafted. Some of the key deficiencies are:

The Project Description Needs Substantial Additional Detail.

The Project is described in the IS/MND as *"Allow a photovoltaic solar power generation facility with related improvements on two contiguous parcels of land totaling 320 acres in the AE-20 (Exclusive Agriculture, 20 acre minimum parcel size) Zone District."*

Per Section 15003(h) of the CEQA Guidelines, *"The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect."* And Section 15063(a)(1) requires *"All phases of project planning, implementation, and operation must be considered in the initial study of the project."*

The Project description does not provide the necessary information to understand the scope of the project such the number, dimensions and height of the solar PV panels; water use and source; or facility operations. The description also does not describe secondary, support and off-site features such as the 1.6 mile transmission line, perimeter fencing or improvement of one mile of an off-site access road to the Schindler-Coalinga transmission line. It also does not describe existing land uses of the Project site including a composting operation which appears to have been located on a portion of the site since 2009.

Further, the transmission line, fencing, off-site access road or the source water, which is proposed to be trucked into the site, are also not addressed within the IS/MND and any potential impacts from these components are subsequently not addressed. Finally, the Project description did not include a location map, site plan or basic project schematics.

These deficiencies limit agencies, the public and decision makers' ability to quickly and easily understand the project. Without a complete project description the whole of the project cannot be considered and the draft IS/MND is insufficient for decision making.

Impacts to Agricultural Resources Are Not Sufficiently Addressed and Mitigated.

The project would impact 320 acres of Farmland of Statewide importance. The County proposes not to require mitigation for this impact because an applicant proposed "Project Decommissioning and Site Restoration Plan" to restore the Project site to agricultural use after the solar facility ceases operation. However, the restoration of the Project site has not been assured through the inclusion of a mitigation measure requiring such decommissioning and restoration. Without such a mitigation measure, this significant impact has not been addressed and a finding of No Impact cannot be made.

Biological Resources Were Not Adequately Analyzed.

The IS/MND states "...the site consists of fallow agricultural land that has been unfarmed for a number of years and therefore does not provide suitable habitat for federally listed species." However, according to County staff, no biological resources studies were prepared for the proposed Project site. Section 15074(b) of the CEQA Guidelines requires that decisions be based upon substantial evidence "...The decision making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

Section 15384 defines substantial evidence as "(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Without a threshold biological study, there is no substantial evidence to base a finding of No Impact to biological resources. County staff is making the presumption that fallow farmland holds limited habitat value. However, these lands do hold the potential for important habitat including Swainson's Hawk foraging and habitat for species such as Burrowing Owl, San Joaquin Kit Fox and Blunt-nosed Leopard Lizard. At a minimum, a threshold biological study should be prepared to identify potential impacts to important biological resources. Threshold biological studies should be a 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 and a finding of No Impact cannot be made.

Cultural Resources Are Inadequately Analyzed and Addressed.

Again, County staff makes the assumption that because the proposed Project site has been farmed there are no resources. At a minimum an Archaeological Record Search should be obtained from the Southern San Joaquin Valley Archaeological Information Center at CSU Bakersfield to assess the potential for resources. The cultural resources section also fails to make provisions per Section 21082 of the Public Resources code to address accidental discoveries of human remains or cultural resources during construction. The widely used, standardized language in Section 15064.5 of the CEQA Guidelines should be incorporated into the IS/MND as mitigation measures. A finding of No Impact cannot be made without further information and inclusion of these mitigation measures.

Hydrology and Water Quality Issues Are Not Adequately Addressed.

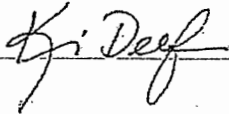
The IS/MND states that the Project will utilize on-site wells for the office and management buildings on the property and that water for periodic washing of the PV modules will be supplied from wells and/or trucked in to the site. Page 1 of the applicant's Operational Statement states the proposed Project site has no water rights and Item #23 on page 3 of the application form states that water will be trucked to and stored on site. Pages 7 and 10 of the applicant's Operation Statement reference on-site water wells. It is unclear how on-site wells would be utilized if the Project site has no water rights. The IS/MND needs to document the actual source of the water for the proposed Project. Again, without this information a finding of No Impact cannot be made.

Conclusion

Given the above, Defenders requests the IS/MND be revised to address these deficiencies and be recirculated prior to the Project being scheduled for hearing with the County Planning Commission. This request is not made lightly. We strongly support our State's goals for renewable energy and want renewable energy projects, which are located on impaired sites with lower farmland and habitat values, to be expeditiously and efficiently processed. We are disappointed that we cannot support the Whitney Point/Westside Solar Project at this time due, not to the merits of the Project, but rather to the deficient IS/MND. We strongly urge the County to address these issues in order to ensure that any final decision for this project is legally sound and reduces the risk of potential challenge. We believe these deficiencies in the project's environmental documents can be corrected easily with better review and analysis by the County.

We look forward to reviewing the revised IS/MND and request to be notified when it is available. Thank you once again for the opportunity to provide comments on the Whitney Point/Westside 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: Dan Predpall, Whitney Point Solar LLC
Bernard Jimenez, Fresno County Development Services
Will Kettler, Fresno County Development Services
Chris Motta, Fresno County Development Services
Thomas Leeman, USFWS
Julie Vance, CDFG
Justin Sloan, CDFG
Craig Bailey, CDFG

EXHIBIT 5

DUDEK

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T 805.963.0651 F 805.963.2074

April 29, 2015

Ejaz Ahmad, Planner
County of Fresno
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

CUP 3295
RECEIVED
COUNTY OF FRESNO
APR 30 2015
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

SUBJECT: Time Extension Application
Whitney Point Solar Project
Conditional Use Permit 3295
APN 060-042-16S / APN 060-042-17S

Dear Ejaz:

This letter serves as a transmittal for the application and fee payment check (in the amount of \$2,280.75) for the above-referenced time extension, and also provides justification for the time extension request.

Justification for Time Extension Request

The project sponsors have expended considerable efforts over the past year to secure power purchase agreements (PPAs) for the two separate solar electrical generating facilities. Without a PPA in place, it would not have been economically feasible to construct these solar energy facilities. The sponsors have very recently successfully negotiated a separate PPA for Whitney Point and for Westside, thereby achieving the economic feasibility necessary to move forward with construction of the project and implementation of the CUP approval.

Negotiations with PGE to provide interconnection of the Whitney Point project to the electrical distribution grid resulted in a demand from PGE for an on-site sub-station to accommodate the electrical generation of the facility. The sub-station requirement and technological advancements in panel design have led to revisions in the site design for the two facilities. While the project sponsor has been working in good faith to achieve implementation of the approved projects, there is not sufficient time to complete the County review of the revised site design and satisfy all of the pre-construction conditions of approval before the existing CUP approval expires on July 11, 2015. Consequently, we are requesting a one-year time extension for CUP 3295.

Some of the key accomplishments the sponsor has achieved toward actualization of the CUP are detailed below, to demonstrate their commitment to constructing the approved projects.

Purchase Sale Agreement (Land Option)

The sponsor extended the terms of the PSA for the land via additional option payments.

Transmission and Access Easements

The sponsor negotiated access and transmission easement agreements, and provided payment to execute these agreements.

PGE Inter-Connection Agreement

The sponsor successfully negotiated an interconnection agreement with PGE for each of the two separate solar facilities. As part of the negotiations, the sponsor agreed to the placement of a PGE sub-station to serve the Whitney Point project, on the Whitney Point property.

Mineral Rights

The sponsor has again successfully extended the mineral rights agreements for mineral resources existing on and beneath the subject parcels. The extensions were achieved via provision of payments to the mineral rights holder.

Westlands Water Districts Easements

The sponsor has successfully negotiated to reduce the area of the easements and “no build” zones on each of the two parcels, allowing greater flexibility for updated site layouts.

Interconnection Facility Bonding

The sponsor has renewed a letter of credit with PGE in the amount necessary to cover construction of the inter-connection facilities to deliver electricity from both solar sites into the distribution grid.

Network Upgrades Bonding

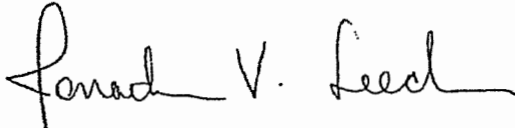
The sponsor has renewed a letter of credit with PGE in the amount necessary to cover upgrades to the power distribution network (electrical grid) necessary to accept and distribute electrical energy from both solar sites.

Ejaz Ahmad
Time Extension (3rd) Application Transmittal – Whitney Point Solar Project
April 29, 2015
Page 3

Concluding Remarks

We trust this letter, signed application, and check constitute a complete application for the requested time extension addressing the approval of CUP 3295. Should you have any questions regarding this request, or if you would require any additional materials, I trust you will not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Jonathan V. Leech". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke at the end.

Jonathan V. Leech, AICP
Senior Environmental Planner/Project Manager

Cc: Jess Melin, Whitney Point Solar, LLC

EXHIBIT 10

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721	Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00		
Agency File No: IS 7053	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Jess Melin/Whitney Point Solar, LLC	Project Title: Unclassified Conditional Use Permit Application No. 3518		
Project Description: Allow modification of a photovoltaic solar power generation facility with related improvements authorized by Unclassified Conditional Use Permit No. 3295 on two parcels totaling 320 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of S. Lake Avenue between W. Paige and W. Jeffery Avenues approximately one mile east of Fresno-Coalinga Road (State Route 145) and 3.3 miles southwest of the unincorporated community of Five Points (SUP. DIST. 4) (APNs 060-042-16S; 060-042-17S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7053) prepared for Classified Conditional Use Permit Application No. 3518, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to mineral resources, population and housing, or recreation. Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous material, hydrology & water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, agriculture and forestry resources, and cultural resources have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – December 23 , 2015		Review Date Deadline: Planning Commission – January 28, 2016	
Date: December 21, 2015	Type or Print Name: Eric VonBerg, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

DUDEK

621 CHAPALA STREET
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February 11, 2016

Ejaz Ahmad, Planner
County of Fresno
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: Response to Comments by Adams Broadwell Joseph & Cardozo
Whitney Point Solar Project
Initial Study Application 7053

Dear Ejaz:

This letter contains general responses to the issues raised by comments in the letter submitted by Adams Broadwell Joseph & Cardoza (ABJC) on February 8, 2016 addressing the adequacy of the County's Initial Study 7053 and Draft Mitigated Declaration (IS/MND 7053). The organization of this response letter follows the ABJC format.

I. Introduction

The ABJC comment letter sets forth a number of assertions purporting to require the re-circulation of an augmented IS/MND, if not mandating the preparation of an Environmental Impact Report (EIR) for the project. The assertions generally claim to evidence the existence of new information not considered by the County during preparation of the IS/MND, and/or inadequate analysis of the project's impacts in the areas of air quality, public health hazards, and biological resources. As explained in the responses below, we find the assertions to be false, and for there to be a lack of compelling evidence to require re-circulation of the IS/MND, much less a supportable argument to mandate preparation of an EIR.

II. IS/MND Fails to Adequately Disclose New or More Severe Impacts

First, the citations in the introduction to this section almost exclusively reference circumstances related to a "previous EIR" and the criteria for which subsequent environmental review would be mandated. The original CUP (3295) was addressed under an MND, not an EIR. Second, the

County clearly followed the criterion for preparing subsequent environmental review to address substantial changes to the proposal; IS/MND 7053 specifically focuses on the components of the overall project proposed to be altered under the requested CUP Amendment. Third, the commenter erroneously concludes that subsequent environmental review of the CUP Amendment must take the form of an Environmental Impact Report (EIR). An EIR is only mandated in the instance where significant environmental impacts have been identified which cannot be reduced to a level of insignificance with incorporation of mitigation measures. The threshold for subsequent environmental of the CUP Amendment was met, with which IS/MND 7053 complies; the threshold for preparation of an EIR has not been met.

A. Air Quality

The "air quality expert" employed by SWAPE (a firm specializing in litigation support) and retained by ABDJ to prepare comments on the air impact assessment (AIA) asserts the analysis employed an incorrect significance threshold, improper modeling assumptions, and an underestimate of project emissions. These assertions are false.

First, the San Joaquin Valley Air Pollution Control District (SJVAPCD) quantitative significance thresholds were used in the analysis; compliance with Rule 9510 was not the basis for a conclusion of insignificance (as asserted by the commenter).

Second, the equipment list for the analysis was based upon a recently constructed solar project of similar scale, where the same techniques for minimization of grading and other earthwork were incorporated. The representative equipment list from the Operational Statement is outdated in terms of construction technique efficiencies developed over the last four years in numerous solar projects constructed in California. While both solar facilities covered under the CUP Amendment are now expected to be constructed in a single 10-month phase (which is reflected in the AIA), equipment needs will not be increased. Construction will begin at the south end of the combined site, and progress northward. Multiple phases of construction effort will be occurring simultaneously on the combined sites from south to north, as the work in a particular portion of the sites is completed from the immediately previous phase. Thus, the entire equipment fleet necessary has been captured in the model input assumptions, with operational days as described in the assumptions. The equipment list derived by the commenter erroneously assumes a single phase of construction at any one time per site, and that the construction of the two sites would be entirely independent, requiring duplication of all equipment. The trip length for employees and materials is based upon the *default* values for

rural Fresno County. The SJVAPCD accepted the updated AIA for the project, indicating the project model assumptions are appropriate.

The project construction and operations emissions as identified in the AIA are accurate, as indicated by acceptance of the AIA by the SJVAPCD. The emissions levels identified by the commenter are based upon model assumptions that lead to an *overstatement* of such emissions, with an erroneous conclusion that emissions would be greater than the significance threshold for nitrogen oxides (Nox), and that incorporation of Tier II construction equipment (as proposed by the applicant) would not be adequate mitigation. Again, the assertions by the commenter are false. In addition, the claim that the IS/MND must incorporate "all feasible mitigation for new or more severe significant impacts" is inaccurate; CEQA does not require mitigation measures be adopted to address non-significant environmental impacts.

B. Valley Fever

The "hazards expert" employed by SWAPE (a firm specializing in litigation support) and retained by ABDJ to prepare comments on the IS/MND asserts there is "new information" developed since 2011 that demonstrates construction workforce exposure to Valley Fever could lead to significant health impacts. According to the Centers for Disease Control (CDC)¹ the presence of Valley Fever in the Central Valley was properly identified as early as 1991. Numerous research papers from 1991 through 2007 are referenced on the CDC web-site which identify exposure pathways and health effects associated with Valley Fever. The exposure pathway for the microscopic fungal spores is inhalation, most commonly associated with dust (to which the spores adhere) becoming airborne through soil disturbance activities (such as plowing or grading). The alleged new information regarding potential exposure of residents, visitors, and workers to Valley Fever in the project area was common knowledge, and extensively documented, well before the 2011 approval of CUP 3295. Consequently the "new information" assertion is erroneous.

With regard to residents in the project sub-region, soil disturbance from historic dry farming activities on the project sites has generated more dust and potential exposure to Valley Fever spores than would carefully controlled construction of the proposed solar project. Once the project is developed, ground disturbance from periodic plowing would be eliminated for the project life, reducing Valley Fever risks. For construction workers, protection from Valley Fever can be provided in the simple form of an N95 respirator (a type of face mask), which is recommended in any work environment where dust of any kind could be encountered.

¹ <http://www.cdc.gov/fungal/diseases/coccidioidomycosis/risk-prevention.html>

C. Biological Resources

The comment letter attempts to establish the project would have significant biological impacts through submission of a plethora of biological research data, much of which is not applicable to the project either by virtue of geographic location or project technology. The assertion is made again that new research information developed since the CUP approval in 2011 demonstrates the impact of the solar development on certain species would be significant. The comment letter fails to provide compelling evidence of new or more severe impacts to biological resources.

1. Baseline for Biological Impacts

The comment letter fails to acknowledge that valid approvals for the project site would permit the development of two 20-megawatt solar generating facilities, with no further discretionary approvals from the County of Fresno. The environmental evaluation of the CUP Amendment must therefore use the approved entitlements as the baseline condition. Arguments put forth by ABJC are based upon case law regarding the adoption of new plans or regulations, where the appropriate baseline was found to have been "real conditions on the ground." In those instances, existing circumstances were given weight over a theoretical future development that could have been allowed under a former land use plan; the situation is different for the project site, the original development can still be constructed today without any discretionary action by the County. Ministerial actions (such as building permits) are exempt from CEQA, so the baseline for the CUP Amendment must be the "approved CUP".

2. Swainson's Hawk

Research cited by the commenters regarding Swainson's Hawk all dates prior to 2011. The *State Fish and Game Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* was published in 1994. Despite the existence of these materials well prior to 2011, California Fish & Game (renamed California Fish & Wildlife, CDFW) indicated they had "no comments" on the MND prepared and adopted by the County in July 2011 for CUP 3295 (Whitney Point Solar Project).

Commenting on IS/MND 7053, CDFW staff suggested mitigation for the loss of foraging habitat for Swainson's Hawk caused by development of the project site. Periodic surveys conducted by Dudek biologists² of the project site and surrounding area found no nests or potential nesting trees on-site, or within one mile from the site. Consequently there is no clear evidence the site

² Dudek June 2015 and September 2015 memos; refer to ABJC Comment letter attachment B(2).

has been used for foraging by Swainson's Hawk. More importantly, however, is that the CDFW ignored the existence of approved entitlements for the project which would allow development of two 20-megawatt solar generating facilities, with virtually no open area that would serve as foraging habitat. Consequently, the proposed CUP Amendment would have no net effect upon the foraging habitat of the site as compared to the approved entitlements, and mitigation cannot be required.

3. Burrowing Owl

Periodic surveys conducted by Dudek biologists³ of the project site and surrounding area found no owl burrows on the project site. Because of on-going periodic plowing or disking activities carried out on the project site, the potential is very low for burrowing owls to establish burrows on the property. However, the applicant has committed to following the adopted CDFW guidelines for pre-construction surveys.

4. Facility Lighting

The commenter claims that lighting of the facility would have the potential for unspecified "significant impacts on wildlife" which would be greater than the approved project. Given the removal of two 20,000 square foot operations and maintenance structures and related parking lots, and a revision to the proposed operations to eliminate full-time employment population at the site, overall lighting demands would be greatly reduced for the CUP Amendment as compared to the approved CUP project. Full-time night-lighting of the facility is not proposed, lighting would include motion activated dimmable-LED fixtures on low elevation poles with shielding or direction to minimize light spill off-site.

5. CDFW Recommendations as Mitigations

As indicated in the discussion above, CDFW recommendations regarding mitigation for loss of Swainson's Hawk foraging habitat are not warranted, given the CUP Amendment would have no net effect upon the foraging habitat of the project site. The applicant has committed to performing pre-construction surveys for Swainson's Hawk, burrowing owls, all other raptor species, and birds protected under the Migratory Bird Treaty Act and San Joaquin Kit fox as a routine matter of providing compliance with regulations and code protecting such species. Since significant biological impacts have not been identified, the recommendations do not need to be incorporated into the MND as mitigation measures.

³ Dudek June 2015 and September 2015 memos; refer to ABJC Comment letter attachment B(2).

6. Avian Collision Hazard

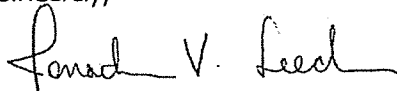
It is important to note that the apparently unpublished and "confidential" report entitled "Avian Mortality at Solar Energy Facilities in Southern California: A Preliminary Analysis"⁴ did not identify a single case of injury or mortality for Swainson's Hawk or Burrowing Owl (the species of concern identified for Whitney Point Solar) at a photo-voltaic solar electric generating facility.

III. Conclusion

The comment letter by ABJC fails to provide compelling evidence which would require the County to either augment and re-circulate IS/MND #7053 for further public review or to prepare an EIR for the project.

Should you have any questions regarding our responses to the ABJC comment letter, I trust you will not hesitate to contact my office.

Sincerely,



Jonathan V. Leech, AICP
Senior Environmental Planner/Project Manager

Cc: Jess Melin, Whitney Point Solar, LLC
Andy Flajole, NextEra Energy, Environmental
Scott Castro, Esq., NextEra Energy, Legal

⁴ Attachment B(2) to the ABJC comment letter.

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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MARC D. JOSEPH
RACHAEL E. KOSS
JAMIE L. MAULDIN
ELLEN L. WEHR

February 17, 2016

VIA EMAIL AND HAND DELIVERY

Fresno County Planning Commission
c/o Planning Commission Clerk
2220 Tulare Street
Fresno, CA 93721
Email: KNovak@co.fresno.ca.us

Ejaz Ahmad
Department of Public Works and Planning
2220 Tulare Street
Fresno, CA 93721
Email: EAhmad@co.fresno.ca.us

**Re: Comments on Planning Commission Staff Report for Whitney
Point Solar Project - Initial Study Application No. 7053;
Condition Use Permit 3295**

Dear Members of the Planning Commission and Mr. Ahmad:

We are writing on behalf of Fresno County Citizens for Responsible Solar in response to the Staff Report prepared for the Fresno County Planning Commission's ("Commission") consideration of the Whitney Point Solar Project ("Project") Initial Study and Mitigated Negative Declaration ("IS/MND"), Agenda Item No. 2 at the February 18, 2016 Commission hearing. The Project involves a modified 40-megawatt photovoltaic solar power generation facility with related improvements on two parcels totaling 320 acres in an area located southwest of the unincorporated community of Five Points.

Based upon our review of the Staff Report, we conclude that County planning staff failed to adequately respond to our comments on the Project's impacts to air quality, public and worker health, and biological resources. Therefore, we incorporate herein our previous comments, which demonstrate that changes in the Project and new information since 2011 show that the Project will cause new and

February 17, 2016

Page 2

more severe significant impacts than were previously analyzed by the County in 2011. Furthermore, new information since 2011 also reveals that there are new and different feasible mitigation measures than previously analyzed, which would reduce significant impacts, but have not been adopted.

The Commission may not lawfully approve the Project under CEQA until planning staff has prepared an Environmental Impact Report ("EIR") that adequately analyzes the Project's potentially significant impacts, and identifies and incorporates all feasible mitigation measures to minimize those impacts.

I. THE STAFF REPORT FAILED TO ADDRESS THE PROJECT'S IMPACTS ON AIR QUALITY

We commented that the new air quality analysis accompanying the IS/MND revealed that project changes will require preparation of an EIR due to new or more severe significant impacts on air quality that were not previously disclosed in 2011. We provided expert analysis concluding that when flaws in the IS/MND's air modeling are corrected, the model shows that the Project would have a significant NOx impact. We then urged the County to evaluate the new significant impact in an EIR.

We also commented that the IS/MND failed to use the local air district significance thresholds, and assumed that because the Project would comply with the San Joaquin Valley Air Pollution Control District ("SJVAPCD") emissions reduction Rule 9510, the Project would have less than significant impacts. We demonstrated that this approach was flawed and concluded that despite compliance with the SJVAPCD Rule, the Project would still have a new significant NOx impact.

The Staff Report ignores our analysis and simply responds to our comment regarding reliance on compliance with the SJVAPCD Rule. The Staff Report states that the IS/MND analysis "actually used San Joaquin Valley Air Pollution Control District (SJVAPCD) quantitative significance thresholds and the Applicant prepared an Air Impact Assessment (AIA) that was accepted by SJVAPCD, the local authority on air quality."¹ However, completely fails to address the fact that the Project will have a significant unmitigated NOx impact regardless of the Project's compliance with SJVAPCD's emissions reduction rule. Therefore, the IS/MND fails to comply with CEQA as a matter of law.

¹ Staff Report, p. 4.

II. THE STAFF REPORT FAILED TO ADDRESS THE PROJECT'S IMPACTS ON PUBLIC AND WORKER HEALTH

We commented that the IS/MND failed to consider the potential for increased incidences of Valley Fever, a disease that can be caused by inhalation of spores of a soil-dwelling fungus. We provided expert analysis demonstrating that since 2011, the potential for Valley Fever impacts during the construction of solar facilities, on both construction workers and the public at large, has become a major issue, particularly in areas like Fresno County where the disease is endemic. Since the County evaluated the previously proposed project, several studies have been conducted and media reports published on Valley Fever incidents at solar sites. These new studies and reports constitute new information showing a new or more severe significant impact on public health than previously disclosed by the County in 2011.

We proposed several, feasible mitigation measures that would reduce public health risks from exposure to Valley Fever as a result of Project construction. Indeed, Fresno County Citizens for Responsible Solar incorporated many of these measures into an environmental agreement with another solar project before the Commission in 2014, and members of the Commission at the time applauded our efforts at reducing Valley Fever, noting the growing concern over Valley Fever incidents in the area.²

Here, the Staff Report simply states that the Fresno County Environmental Health Department did not identify this as a potential issue and that this is not new information worthy of analysis of mitigation. Staff argues that Valley Fever “was properly identified in the Valley as early as 1991 by the Centers for Disease Control (CDC), well before the 2011 approval of CUP 3295.”³ However, the fact that the County did not identify this as a concern is precisely why the County is required to analyze and mitigate this significant impact on public health in an EIR at this time. The County has been presented with substantial new evidence that Project construction will cause new significant impacts that require analysis. The Staff Report’s statements ignore that fact that the Fresno County Health Department

² Fresno County Planning Commission hearing, October 9, 2014, http://www2.co.fresno.ca.us/4510/4360/updates/prior_plancom/2014/2014-10-9%20AS.pdf.

³ Staff Report, p. 4.

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identifies Valley Fever as a major concern for construction workers,⁴ which we noted in our comments. In addition, the Staff Report ignores that fact that we acknowledged Valley Fever existed prior to 2011; rather, our comments focused on the fact that the connection between construction of solar facilities and high risk of Valley Fever contraction among construction workers was not well documented prior to 2011, as explained by hazards expert Matt Hagemann.

The Project fails to incorporate any measures whatsoever that would reduce significant public health impacts from worker and public exposure to Valley Fever during Project construction. Therefore, the IS/MND still fails to comply with CEQA.

III. THE STAFF REPORT FAILED TO ADDRESS THE PROJECT'S IMPACTS ON BIOLOGICAL RESOURCES

We previously commented that, in 2011, the County was unaware of the potential presence of various special status species on the Project site, including Swainson's hawk, burrowing owl, and San Joaquin kit fox. It was not until the California Department of Fish and Wildlife ("CDFW") sent a letter to the County last year noting several concerns over the modified Project's impacts on those species, that their potential presence was made known. CDFW's letter also provided a list of new and feasible mitigation measures not previously incorporated or even discussed in 2011. We provided expert analysis demonstrating that the Project's impacts to those species would be significant and that the IS/MND failed to mitigate those impacts to less than significant levels.

Planning staff responded to CDFW and our comments with data from new surveys as well as previous surveys that were not discussed in 2011, arguing that impacts to the species would not be severe and that compensatory mitigation was not required for burrowing owl and Swainson's hawk. The County further stated in the IS/MND that it would follow federal guidelines should any San Joaquin kit fox be found on the site, although those requirements, as well as CDFW-recommended mitigation measures for the other species, were not incorporated as enforceable mitigation. The County then determined that there were no new impacts to biological resources since the 2011 approval and therefore no additional mitigation

⁴ Fresno County Valley Fever Brochure, [http://www.co.fresno.ca.us/uploadedFiles/Departments/Public Health/Divisions/CH/content/CD/content/Diseases/Valley Fever/Valley%20Fever%20Brochure ENG v7.pdf](http://www.co.fresno.ca.us/uploadedFiles/Departments/Public%20Health/Divisions/CH/content/CD/content/Diseases/Valley%20Fever/Valley%20Fever%20Brochure%20ENG%20v7.pdf).

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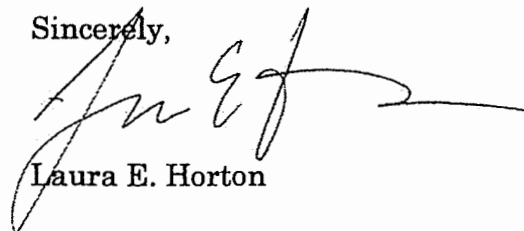
measures are required beyond what was required for CUP 3295. The Staff Report affirms this finding.⁵

However, the Staff Report fails to address several of the issues raised in our comments on the IS/MND, including that: the surveys recently conducted by the County's consultant are flawed; the analysis regarding the sufficiency of nearby foraging habitat for Swainson's hawks is unsupported; the use of the previously approved Project as a baseline to measure impacts to species is counter to case law; and the Project still has not incorporated any mitigation measures for biological impacts. Furthermore, the Staff Report fails to address our comments on new impacts from modifications to the Project, including switchyard and tower lighting, as well as new information since 2011 on the heightened collision hazards that solar facilities present to federally-protected birds. Therefore, the IS/MND still fails to comply with CEQA.

IV. CONCLUSION

The Staff Report fails to address many of our comments regarding the Project's impacts to air quality, public and worker health, and biological resources. We have demonstrated that substantial evidence shows that the modified Project will require preparation of an EIR due to the involvement of new or substantially more severe significant impacts and that there is new information regarding different feasible mitigation measures, which would reduce significant impacts, but have not been incorporated. Therefore, the IS/MND fails to comply with the requirements of CEQA and the Commission may not lawfully approve this Project. Instead, the Commission should direct staff to prepare an EIR to analyze and mitigate new and more severe significant impacts resulting from Project changes and new information.

Sincerely,



Laura E. Horton

LEH:ric

⁵ Staff Report, p. 4.

Whitney Point Solar, LLC

February 17, 2016

VIA EMAIL

Fresno County Planning Commission
c/o: Department of Public Works and Planning
Development Services Division
Attn: Ejaz Ahmad
2220 Tulare Street, Suite A
Fresno, CA 93721
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**Re: CUP Amendment for the Westside/Whitney Point Solar Project
(Initial Study Application 7053 and Unclassified Conditional Use Permit
Application 3518)**

To The Honorable Chair and Members of the Planning Commission:

On behalf of Whitney Point Solar, LLC, I am submitting this letter to address several legal issues raised by the February 8, 2016 comment letter submitted by Adams Broadwell Joseph & Cardozo (“ABJ&C”) on behalf of California Unions for Reliable Energy (“CURE”) on the Initial Study and Mitigated Negative Declaration (“IS/MND”) for the above-referenced matter. These comments were submitted as part of CURE’s on-going efforts to delay and impede the Westside and Whitney Point Solar facilities (collectively, the “Project”), solely because our company has not capitulated to union demands to enter into a project labor agreement.

At issue in this proposed Amendment are a few site modifications designed to allow PG&E to place a switchyard on a 5-acre portion of the 320-acre site. For this minor modification to the site layout, CURE submitted nearly five hundred pages of materials, yet this voluminous submittal fails to raise any significant issue under the California Environmental Quality Act (“CEQA”) affecting the sufficiency of the IS/MND. Fundamentally, CURE fails to acknowledge, let alone meet, the substantial burden to show that further CEQA review is required. Indeed, the majority of CURE’s claims are merely recycled from claims it raised last year in challenging a time extension to CUP 3295, and the few new claims raised simply have no legal merit. Thus, CURE’s demand that the County withdraw the IS/MND and prepare an Environmental Impact Report (“EIR”) for the Amendment is without basis.

CURE’s Abuse of CEQA

While CEQA allows for a broad scope of public participation, CURE’s abuse of the CEQA process should be clearly stated. The ABJ&C letter asserts that “CURE has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members.” (See ABJ&C letter, p. 3.) We have searched for publicly available documents, but have found no actual evidence that CURE advocates for any environmental purpose, other than by

¹ The letter asserts that ABJ&C also represents Fresno County Citizens for Responsible Solar, but we have been unable to locate or identify any documentation regarding this organization through publicly-available documents and internet searches.

using the CEQA process as a tool to frustrate non-union projects. Indeed, during the Planning Commission's June 18, 2015 meeting in which it approved a time extension for the Project (Initial Study No. 6277), it also considered a nearly identical time extension for the Three Rocks Solar, LLC project (Initial Study No. 6419/Unclassified CUP No. 3331). While CURE submitted comments attacking the time extension request for the Project on CEQA grounds, it filed no similar public comments on the Three Rocks Solar, LLC time extension request. It is thus obvious that CURE is not concerned about the environmental effects of these projects, but rather, just about the ability of non-union projects to proceed. Ultimately, it is ironic that CURE asserts that "[e]nvironmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there" (ABJ&C letter, p. 3), given that CURE's own tactics make it more expensive (if not prohibitively so) for businesses to expand and grow, and in turn, jeopardize job growth at the same time.

CURE Fails to Address – Let Alone Satisfy – the High Threshold for Requiring Further Environmental Review Based on Changes to the Project

One of the primary flaws in CURE's letter is that it misrepresents the applicable threshold for determining when a supplemental EIR is required. CEQA Guidelines section 15162 provides for limited circumstances for when a subsequent EIR should be prepared for a project for which a MND has already been prepared. Relevant here, these include:

- (1) Substantial changes are proposed in the project which will require major revisions of the EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR or Negative Declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or
- (3) New information of substantial importance which was not known could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - (B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR;
 - (C) 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; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Notwithstanding the plain language of this section, CURE's letter argues that there is a low threshold for the County to require a subsequent or supplemental EIR under Section 15162 when there are changes to a project or new information is submitted (see ABJ&C letter, pp. 4-5.) However, CURE stands the law on its head. When an MND has been prepared for a project, the question of whether subsequent CEQA review is required is subject to a much higher standard than the original threshold for preparation of an environmental document in the first instance: "[A]fter a project has been subjected to environmental review, the statutory presumption flips in favor of the developer and against further review." *Moss v. Cty. of Humboldt*, 162 Cal. App. 4th 1041, 1049-50. The low threshold for requiring the preparation of an EIR when a project is first proposed no longer applies where there is subsequent CEQA review. This is because in this situation, "in-depth [environmental] review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired (§ 21167, subd. (c)), and the question is whether circumstances have *changed* enough to justify *repeating* a substantial portion of the process." *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1073-1074.

In short, the threshold for finding that a subsequent or supplemental EIR is required is far more stringent than argued by CURE, and certainly requires a far greater showing than the recycled claims set forth in the ABJ&C letter.²

CURE Attempts to Confuse the Appropriate Proper Methodology for Considering "New Information"

In addition to confusing threshold burden for establishing when a supplemental or subsequent EIR is required, CURE further confuses the appropriate "baseline" for analyzing the effects of modifications of a project to determine when a supplemental or subsequent EIR is required. Under CEQA, when a lead agency conducts a subsequent analysis for a changes to a project for which a MND was already prepared (i.e., due to an amendment or project change), the question is whether the changes to the project involve "new significant environmental effects or a substantial increase in the severity of previously identified significant effects." In this assessment, the analysis looks at the difference between the originally proposed project and the amended project as proposed. This is precisely what the County identified in the IS/MND when it wrote "the baseline condition against which to measure the impacts of the requested changes [to the Project] is based on the two 160-acre parcels being developed property ..." (emphasis added).

CURE objects to this, arguing that the baseline when "new information" is presented must be the same baseline that was used in the underlying environmental document (see ABJ&C Letter, p. 22.) However, this argument confuses the baseline for assessing possible impacts resulting from changes to the Project on one hand, with the baseline for assessing whether there is substantial new information of "substantial importance" on the other.

For CURE's claims regarding "new information" it must be emphasized that there is a high threshold for such information to trigger the potential for a subsequent or supplemental EIR:

"[U]nder the third exception permitting subsequent review based on "new information," a new EIR is not required "whenever' *any* new, arguably significant information or data' is proposed, 'regardless of whether the information reveals

² Dudek submitted a letter to the County on February 12, 2016 in which it detailed the factual shortcomings of the ABJ&C letter, and the information set forth in the Dudek letter rebuking CURE's claims is incorporated herein by reference.

environmental bad news.’ [Citation.]” (*River Valley Preservation Project v. Metropolitan Transit Development Bd.*, *supra*, 37 Cal.App.4th at p. 168, 43 Cal.Rptr.2d 501.) Rather, the Guidelines clarify that the new information justifying a subsequent EIR must be “of substantial importance” and must show that the project will have “significant effects not discussed in the previous EIR or negative declaration,” that “[s]ignificant effects previously examined will be substantially more severe” than stated in the prior review, or that new mitigation measures now exist, or are now feasible, but are not being adopted by the project’s proponents. (Guidelines, § 15162, subd. (a)(3); cf. *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1126–1129, 26 Cal.Rptr.2d 231, 864 P.2d 502 [“significant new information” requiring recirculation of an EIR under section 21092.1 must concern a “substantial adverse environmental effect of the project” or a feasible mitigation that is not being implemented].)” *Moss v. Cty. of Humboldt*, 162 Cal. App. 4th 1041, 1057-58, 76 Cal. Rptr. 3d 428, 442 (2008)

When evaluating allegedly “new” information” the lead agency needs to undergo several steps. First, the agency must determine if the information is “new.” Here, CURE’s submittal largely recycles claims that it raised in challenging the time extension to CUP 3295 last year, and thus the information submitted is not “new.” There are only two (2) claims raised by CURE in the ABJ&C letter (relating to Valley Fever and a request that the County include recommendations made by the California Department of Fish and Wildlife (“CDFW”) as mitigations for the Project) that have not previously been raised by CURE, and thus these are the only claims that could amount to “new information” under Section 15162.³ However, as made clear in the Staff Report (see p. 4), Valley Fever has been addressed in the Valley as early as 1991, and thus CURE had ample opportunity to raise concerns during the 2011 IS/MND, but it did not. Thus there is no “new information” presented by CURE on this issue. As to CURE’s assertion that the County failed to incorporate mitigation measures recommended by the CDFW, this claim really presents no “new” information. CDFW suggested that the County incorporate various mitigation measures during the time extension request during 2015; the County concluded that these mitigation measures were not relevant to the time extension request and determined not to adopt them. Neither CDFW nor CURE challenged this final determination by the County.

Second, even if CURE’s claims might be considered “new information,” CURE must also demonstrate that this “new information” was “not known could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted...” CURE fails to address this requirement for the allegedly “new” claims it raises. For example, regarding Valley Fever, CURE asserts that there is a “new appreciation” regarding Valley Fever that has been “gained since CUP/MND approval in 2011...” (ABJ&C letter, p. 16.) But this “new appreciation” in no way meets the requirement of information that was “not known and could not have been known with the exercise of reasonable diligence.” In fact, of the seven (7) pages CURE devotes to its Valley Fever claims (see ABJ&C letter, pp. 13-20), there is not a single statement indicating how the Project would have any potentially significant effects relating to Valley Fever. Moreover, by asserting that this information came to light after 2011, CURE admits

³ Indeed, CURE had every opportunity to file a lawsuit challenging the County’s prior determination allowing for the CUP time extension in which the County rejected CURE’s arguments regarding issues such as Swainson’s hawk, burrowing owl, San Joaquin kit fox, suggested CDFW mitigation measures, etc. Of course, CURE filed no such lawsuit, but such failure does not allow it to recycle these claims during this discretionary process.

Mr. Ejaz Ahmad
February 16, 2016
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that it could have been raised several years ago (i.e., during CURE's challenges to time extensions to the CUP).

Third and finally (and assuming CURE somehow met the first two requirements), under CEQA Guidelines section 15162, CURE must further demonstrate that this "new information" is of "substantial importance" such that:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) 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; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CURE fails to provide any evidence demonstrating that any of the "new information" it asserts meets any of these criteria, and thus fails to show that it could be of "substantial importance."

Conclusion

CURE continues to use the CEQA process as a tool to delay and frustrate this and other projects we are pursuing in the State of California. While CEQA allows for broad public participation, CURE's claims should in no way be confused for legitimate claims raised by concerned members of the public. As discussed above, the ABJ&C letter submitted last week is nothing more than a document dump, coupled with inaccurate legal standards, intended solely to confuse and complicate the County's processing of the proposed Amendment. We truly appreciate the County's continued support for this Project and its efforts in processing this proposed Amendment.

Sincerely,

WHITNEY POINT SOLAR, LLC

_____/Scott Castro/_____

SCOTT N. CASTRO
Senior Attorney
NextEra Energy Resources, LLC

cc: Art Wille, Senior Deputy County Counsel
Jess Melin, Whitney Point Solar, LLC
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