



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 February 18, 2016

SUBJECT: Initial Study Application No. 6962 and Unclassified Conditional Use Permit (CUP) Application Nos. 3492, 3493, 3494 and 3495

Allow four photovoltaic solar power generation facilities with related improvements including photovoltaic module arrays mounted on fixed-tilt and/or horizontal-tracker racking systems, power conversion stations with inverters and transformers, photovoltaic combining switchgear, overhead and subterranean electrical cables, on-site substations, above-ground water storage tanks, energy storage systems, operations and maintenance buildings, and eight-foot-tall chain-link fencing on portions of three contiguous parcels totaling 627.36 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed photovoltaic solar power generation facilities will utilize 115 kV Generation Tie Lines and subterranean communication lines to connect to an existing substation located on a property northerly adjacent to the project site and an existing Pacific Gas and Electric Company (PG&E) substation located approximately two miles west of the project site.

LOCATION: The project site is located on the south side of California Avenue, between the San Bernardino Avenue alignment and the Ohio Avenue alignment, approximately two miles southwest of the nearest city limits of the City of Mendota (Sup. Dist. 1) (APNs 019-110-03ST, 019-110-04ST, 019-110-05ST).

OWNER: Westlands Water District
APPLICANTS: Little Bear Solar 1 LLC (CUP 3492), Little Bear Solar 2 LLC (CUP 3493), Little Bear Solar 3 LLC (CUP 3494) and Little Bear Solar 4 LLC (CUP 3495)

STAFF CONTACT: Derek Chambers, Planner
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RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6962; and
- Approve Unclassified Conditional Use Permit (CUP) Application Nos. 3492, 3493, 3494 and 3495 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. Assessor’s Parcel Map
6. Site Plans and Detail Drawings
7. Elevations
8. Operational Statement
9. Supplemental Information in Response to County Solar Facility Guidelines
10. Summary of Initial Study Application No. 6962
11. Public Comment

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	<u>APN 019-110-03ST:</u> 314.60 acres <u>APN 019-110-04ST:</u> 156.38 acres <u>APN 019-110-05ST:</u> 156.38 acres	No change

Criteria	Existing	Proposed
Project Site	Farmland	<p><u>APN 019-110-03ST:</u> Unclassified CUP Application No. 3494 filed by Little Bear Solar 3 LLC to allow a 20 megawatt (MW) photovoltaic solar power generation facility on 157.30 acres of land which is the western half of APN 019-110-03ST</p> <p><u>APN 019-110-03ST:</u> Unclassified CUP Application No. 3495 filed by Little Bear Solar 4 LLC to allow a 20 MW photovoltaic solar power generation facility on 157.30 acres of land which is the eastern half of APN 019-110-03ST</p> <p><u>APN 019-110-04ST:</u> Unclassified CUP Application No. 3492 filed by Little Bear Solar 1 LLC to allow a 20 MW photovoltaic solar power generation facility on a 156.38-acre parcel</p> <p><u>APN 019-110-05ST:</u> Unclassified CUP Application No. 3493 filed by Little Bear Solar 2 LLC to allow a 20 MW photovoltaic solar power generation facility on a 156.38-acre parcel</p>
Structural Improvements	None	<p><u>APN 019-110-03ST (Little Bear Solar 3 LLC):</u> Photovoltaic (PV) module arrays mounted on fixed-tilt and/or horizontal-tracker racking systems; Power Conversion Station (PCS) with inverters and transformers; Photovoltaic Combining Switchgear (PVCS); eight-foot-tall</p>

Criteria	Existing	Proposed
		<p>chain-link perimeter fencing topped with barbed wire; above-ground water storage tanks; 2,000 square-foot Operations and Maintenance (O&M) building; storage enclosures installed on concrete pads; Energy Storage System (ESS); onsite substation with step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, associated substation equipment and perimeter fencing</p> <p><u>APN 019-110-03ST (Little Bear Solar 4 LLC):</u> Photovoltaic (PV) module arrays mounted on fixed-tilt and/or horizontal-tracker racking systems; Power Conversion Station (PCS) with inverters and transformers; Photovoltaic Combining Switchgear (PVCS); eight-foot-tall chain-link perimeter fencing topped with barbed wire; above-ground water storage tanks; 2,000 square-foot Operations and Maintenance (O&M) building; storage enclosures installed on concrete pads; Energy Storage System (ESS); onsite substation with step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, associated substation equipment and perimeter fencing</p>

Criteria	Existing	Proposed
		<p><u>APN 019-110-04ST (Little Bear Solar 1 LLC):</u> Photovoltaic (PV) module arrays mounted on fixed-tilt and/or horizontal-tracker racking systems; Power Conversion Station (PCS) with inverters and transformers; Photovoltaic Combining Switchgear (PVCS); eight-foot-tall chain-link perimeter fencing topped with barbed wire; above-ground water storage tanks; 2,000 square-foot Operations and Maintenance (O&M) building; storage enclosures installed on concrete pads; Energy Storage System (ESS); onsite substation with step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, associated substation equipment and perimeter fencing</p> <p><u>APN 019-110-05ST (Little Bear Solar 2 LLC):</u> Photovoltaic (PV) module arrays mounted on fixed-tilt and/or horizontal-tracker racking systems; Power Conversion Station (PCS) with inverters and transformers; Photovoltaic Combining Switchgear (PVCS); eight-foot-tall chain-link perimeter fencing topped with barbed wire; above-ground water storage tanks; 2,000 square-foot Operations and Maintenance (O&M) building; storage enclosures installed on concrete pads; Energy Storage System</p>

Criteria	Existing	Proposed
		(ESS); onsite substation with step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, associated substation equipment and perimeter fencing
Nearest Residence	Approximately one quarter-mile to the northeast of APN 019-110-05ST	No change
Surrounding Development	Farmland; farm labor housing approximately three quarter-miles northwest of APN 019-110-04ST; photovoltaic solar power generation facility identified as "North Star" northerly adjacent to APNs 019-110-04ST and 019-110-05ST; PG&E substation identified as "Mendota Substation" approximately two miles west of APN 019-110-04ST; State Route 33 (Derrick Avenue) approximately one mile east of APN 019-110-05ST; Mendota Federal Correctional Institution approximately one half-mile northeast of APN 019-110-05ST	No change
Operational Features	N/A	See above "Project Site"
Employees	N/A	Up to 700 employees during the estimated ten-month construction period Up to eight full-time equivalent (FTE) personnel (or personnel hours totaling eight FTE positions) for operations and maintenance
Customers	N/A	None
Traffic Trips	N/A	According to traffic data prepared for this proposal by LSA Associates, Inc., development of this proposal will generate up to 912 one-way trips per day (456 round trips per

Criteria	Existing	Proposed
		day) during the estimated ten-month construction period According to the traffic data prepared for this proposal by LSA Associates, Inc., operation and maintenance of this proposal will generate approximately 16 one-way trips per day (eight round trips per day), year-round
Lighting	N/A	Outdoor security lighting
Hours of Operation	N/A	24 hours per day, 365 days per 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 10.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: December 28, 2015

PUBLIC NOTICE:

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

An additional three notices were sent to interested parties requesting notification of this type of project.

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:

This proposal entails the development of four photovoltaic solar power generation facilities on portions of three contiguous parcels totaling 627.36 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Unclassified Conditional Use Permit (CUP) Application No. 3492 was filed by Little Bear Solar 1 LLC to allow a photovoltaic solar power generation facility on a 156.38-acre parcel identified as Assessor's Parcel Number (APN) 019-110-04ST. Unclassified CUP Application No. 3493 was filed by Little Bear Solar 2 LLC to allow a photovoltaic solar power generation facility on a 156.38-acre parcel identified as APN 019-110-05ST. Unclassified CUP Application No. 3494 was filed by Little Bear Solar 3 LLC to allow a photovoltaic solar power generation facility on 157.30 acres of land which is the western half of a 314.60-acre parcel identified as APN 019-110-03ST. Unclassified CUP Application No. 3495 was filed by Little Bear Solar 4 LLC to allow a photovoltaic solar power generation facility on 157.30 acres of land which is the eastern half of the 314.60-acre parcel identified as APN 019-110-03ST.

Each of the four proposed photovoltaic solar power generation facilities will utilize photovoltaic (PV) module arrays with a capacity of generating 20 megawatts alternating current (MW-AC). These PV module arrays will convert sunlight into electrical energy which will be delivered to PG&E's existing regional transmission network with voltage transmission equipment and system safety equipment constructed on the subject parcels. Further, the PV module arrays will be mounted on fixed-tilt and/or horizontal-tracker racking systems supported by steel posts driven into the ground. The fixed-tilt racking systems with PV module arrays will have an overall height of approximately 13 feet, and the horizontal-tracker racking systems with PV module arrays will also have an overall height of approximately 13 feet.

Improvements to be constructed and/or installed for each of the four proposed photovoltaic solar power generation facilities include the aforementioned PV module arrays, a 5 MW-AC Power Conversion Station (PCS) with inverters and transformers, photovoltaic combining switchgear (PVCS), overhead and subterranean electrical cables, and eight-foot tall chain-link perimeter fencing topped with barbed wire. Additionally, each of the four proposed photovoltaic solar power generation facilities will also have an onsite substation approximately one half-acre in size that will contain one or more 34.5 kilovolt (kV) to 115 kV step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, backup power, associated substation equipment, and perimeter fencing.

Each of the four proposed photovoltaic solar power generation facilities may be improved with above-ground water storage tanks, parking and circulation areas, and an approximately 2,000 square-foot operations and maintenance (O&M) building. Further, in lieu of O&M buildings, each of the proposed photovoltaic solar power generation facilities may utilize storage enclosures installed on concrete pads.

Each of the four proposed photovoltaic solar power generation facilities may also be improved with an Energy Storage System (ESS) approximately one acre in size that would provide up to four hours of electrical storage. According to the Operational Statement provided for the subject proposal, the ESS will contribute towards the goal prescribed by California Assembly Bill (AB) 2514 for 1.3 Gigawatts of energy storage by 2022. Further, the ESS can be advantageous for load shifting, demand response, ancillary services, and renewable energy firming.

The proposed photovoltaic solar power generation facilities will utilize 115 kV Generation Tie Lines and subterranean communication lines to connect to an existing substation located on a property northerly adjacent to the project site and an existing Pacific Gas & Electric Company (PG&E) substation identified as "Mendota Substation", which is located approximately two miles west of the project site.

The Little Bear Solar 1 facility and the Little Bear Solar 2 facility will construct a new 115 kV Generation Tie Line from their onsite substations that will connect to an existing substation located on a northerly adjacent property that has been improved with a photovoltaic solar power generation facility identified as "North Star". This Generation Tie Line will cross over West California Ave and existing PG&E electrical distribution lines. The Little Bear Solar 1 facility and the Little Bear Solar 2 facility will utilize the existing "North Star" circuit, transmission poles, and underground communication line from the "North Star" substation to an existing PG&E substation identified as "Mendota Substation", which is located approximately two miles west of the project site. The Little Bear Solar 1 facility and the Little Bear Solar 2 facility will install new underground communication lines to connect into the existing "North Star" underground communication line which will cross County right of way.

The Little Bear Solar 3 facility and the Little Bear Solar 4 facility will interconnect to the existing PG&E substation identified as "Mendota Substation" using a new, second circuit to be installed on most of the existing "North Star" Generation Tie Line transmission poles. The Generation Tie Line and underground communication line for the Little Bear Solar 4 facility will run from its onsite substation to the Little Bear Solar 3 facility onsite substation via an approximately one-mile overhead or underground 115 kV Generation Tie Line.

***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 Street Side: 35 feet Rear: 20 feet Solar Guidelines: 50-foot buffer from edges of property	<u>APN 019-110-03ST (Little Bear Solar 3 LLC):</u> Front (west property line): 120 feet Side (north property line): 60 feet Street Side (south property line): 60 feet Rear (east property line): 60 feet <u>APN 019-110-03ST (Little Bear Solar 4 LLC):</u> Front (east property line): 60 feet Side (north property line): 60 feet Street Side (south property line): 120 feet Rear (west property line): 60 feet <u>APN 019-110-04ST</u>	No; however, adherence to a Condition of Approval requiring solar equipment to have 50-foot minimum setbacks from property lines, and adherence to a Condition of Approval requiring a Site Plan Review will ensure compliance with setback requirements

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		<u>(Little Bear Solar 1 LLC):</u> Front (north property line): 35 feet Side (east property line): 120 feet Street Side (west property line): 120 feet Rear (south property line): 60 feet <u>APN 019-110-05ST (Little Bear Solar 2 LLC):</u> Front (north property line): 35 feet Side (west property line): 60 feet Street Side (east property line): 60 feet Rear (south property line): 60 feet	
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Completion of a Site Plan Review (SPR) is recommended to ensure compliance with development standards.

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

Analysis:

Staff review of the Site Plans demonstrates that the proposed solar equipment would be setback in compliance with the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. However, the Solar Facility Guidelines approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012 and May 21, 2013 requires measures to create a buffer between proposed solar facilities and adjacent agricultural operations, including a 50-foot setback between proposed solar equipment and project site property lines. As such, a Condition of Approval has been included to require a 50-foot minimum setback between the proposed solar equipment and the property lines of the project site. Further, 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: 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 the Conditions of Approval described above, staff believes the site will be adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Conditions of Approval:

See Recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	Yes	San Bernardino Avenue	<u>APN 019-110-03ST</u> <u>(Little Bear Solar 3 LLC):</u> Proposed access from San Bernardino Avenue
Public Road Frontage	Yes	California Avenue Jensen Avenue Ohio Avenue	No change
Direct Access to Public Road	Yes	N/A	<u>APN 019-110-03ST</u> <u>(Little Bear Solar 4 LLC):</u> Proposed access from Ohio Avenue

		Existing Conditions	Proposed Operation
			<p><u>APN 019-110-04ST</u> (Little Bear Solar 1 LLC): Proposed access from California Avenue</p> <p><u>APN 019-110-05ST</u> (Little Bear Solar 2 LLC): Proposed access from California Avenue</p>
Road ADT		<p>California Avenue: 1,200</p> <p>Jensen Avenue: 100</p> <p>Ohio Avenue: 100</p> <p>San Bernardino Avenue: N/A (private road)</p>	Less than significant change
Road Classification		<p>California Avenue: Collector</p> <p>Jensen Avenue: Local</p> <p>Ohio Avenue: Local</p> <p>San Bernardino Avenue: N/A (private road)</p>	No change
Road Width		<p>California Avenue: 60-foot total existing right-of-way</p> <p>Jensen Avenue: 60-foot total existing right-of-way</p> <p>Ohio Avenue: 60-foot total existing right-of-way</p> <p>San Bernardino Avenue: N/A (private road)</p>	No change
Road Surface		<p>California Avenue: Paved (pavement width: 25 feet)</p> <p>Jensen Avenue: Unpaved</p> <p>Ohio Avenue: Unpaved</p> <p>San Bernardino Avenue: Unpaved</p>	No change

		Existing Conditions	Proposed Operation
Traffic Trips		N/A	<p>According to traffic data prepared for this proposal by LSA Associates, Inc., development of this proposal will generate up to 912 one-way trips per day (456 round trips per day) during the estimated ten-month construction period</p> <p>According to the traffic data prepared for this proposal by LSA Associates, Inc., operation and maintenance of this proposal will generate approximately 16 one-way trips per day (eight round trips per day), year-round</p>
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by County Design Division
Road Improvements Required		N/A	None required

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

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Any Generation Tie Lines constructed for the proposed photovoltaic solar power generation facilities shall be constructed within private easements. If the Applicant wishes to use County road right-of-way for lateral placement of a Generation Tie Line, a franchise agreement between the County and the Applicant is required, or the Generation Tie Line must be owned and operated by PG&E under their existing franchise agreement. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing California Avenue, Jensen Avenue, Ohio Avenue or the San Bernardino Avenue alignment. These requirements have been included as Project Notes.

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

Analysis:

The Little Bear Solar 1 facility (CUP Application No. 3492) will have access from California Avenue via a proposed 20-foot wide driveway, and the Little Bear Solar 2 facility (CUP Application No. 3493) will also have access from California Avenue via another proposed 20-foot wide driveway. The Little Bear Solar 3 facility (CUP Application No. 3494) will have access from the San Bernardino Avenue alignment via a proposed 20-foot wide driveway, and the Little Bear Solar 4 facility (CUP Application No. 3495) will have access from Ohio Avenue via a proposed 20-foot wide driveway.

Staff notes that vehicular traffic in the area will be increased during the time of construction; however, this increase will be temporary. According to the Applicants, construction of the project is expected to last approximately ten months, and is estimated to generate up to 912 one-way trips per day (456 round-trips per day). Once operational, traffic generated by the proposed photovoltaic solar power generation facilities will be limited in scope to approximately 16 one-way trips per day (eight round-trips per day), year-round. Further, no concerns regarding the project’s impact on County roadways were expressed by either the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning.

As noted above, California Avenue has a total existing right-of-way of 60 feet at the project site and is classified as a collector. The minimum total right-of-way for a collector is 84 feet; however, considering the limited scope of traffic to be generated by the proposed photovoltaic solar power generation facilities once operational, no additional right-of-way dedication is required for California Avenue. Additionally, Ohio Avenue and Jensen Avenue each have a total existing right-of-way of 60 feet at the project site and are classified as local roads. As the minimum total right-of-way for a local road is 60 feet, no additional right-of-way dedication is required for Ohio Avenue or Jensen Avenue.

Based on the above information, staff finds that the surrounding streets serving the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	629.82 acres	Photovoltaic solar power generation facility	AE-20	None
South	158.18 acres	Vacant	AE-20	None

Surrounding Parcels				
	156.39 acres	Vacant	AE-20	None
East	156.38 acres	Vacant	AE-20	None
	472.70 acres	Vacant	AE-20	None
West	156.38 acres	Orchard	AE-20	None
	312.77 acres	Orchard	AE-20	None

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This requirement has been included as a Project Note.

Fresno County Department of Public Health, Environmental Health Division: The following requirements shall be included as Project Notes: 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. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health pursuant to the HSC, Division 20, Chapter 6.95; 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.; 3) If any underground storage tank(s) are discovered during construction activities, the applicant/operator shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health.; and 4) Records indicate there are two existing agricultural water wells and possibly two monitoring wells on the project site. In an effort to protect groundwater, all abandoned water and monitoring wells (not intended for use or future use) within the project site shall be properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column shall be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oil-contaminated water removed from the well must be handled in accordance with federal, state and local government requirements.

Fresno County Department of Agriculture (Agricultural Commissioner's Office): Prior to occupancy, the Applicant shall enter into an agreement with Fresno County incorporating provisions of the Right-to-Farm Notice (Ordinance Code Sections 17.04.100 and 17.72.075) for acknowledgement of the inconveniences and discomforts associated with normal farm activities in the area surrounding the proposed use. This requirement has been included as a Condition of Approval. 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.

Fresno County Sheriff's Department: The proposal will have no adverse impact on law enforcement operations.

State Water Resources Control Board, Division of Drinking Water: The Compliance Agreement between Westlands Water District (WWD) and the State Water Resources Control Board (SWRCB) requires non-residential users proposing to utilize the WWD as a domestic water source to obtain an Alternative Water Exclusion from the SWRCB to ensure the use of bottled potable water for all cooking and drinking. In order to obtain an Alternative Water Exclusion, the Applicant must satisfy the following requirements:

1. A signed petition submitted to the SWRCB requesting an Alternative Water Exclusion under the Compliance Agreement between the WWD and the SWRCB.
2. The Petition must state that only bottled water provided by the WWD will be used for drinking or cooking.
3. Applicant must agree to have the WWD provide bottled water via an approved bottled water provider, and agree to reimburse the WWD for their costs to do so.
4. Signage must be posted at all sinks or faucets that states that the tap water is non-potable.

This requirement regarding Alternative Water Exclusion has been included as a Project Note.

San Joaquin Valley Unified Air Pollution Control District (Air District): This proposal is subject to Air District Rule 9510 (Indirect Source Review) and may also be subject to the following Air District Rules and Regulations: Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). An Authority to Construct (ATC) Permit may also be required for this proposal. These potential requirements have been included as Project Notes. An Air Impact Assessment was completed for the proposal resulting in mitigation associated with construction record maintenance.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the 2007 California Code of Regulations Title 24 – Fire Code, and County-approved Site Plans shall be submitted to the Fire District for review and approval prior to issuance of Building Permits. This requirement has been included as a Project Note.

Westlands Water District (WWD): The proposal is eligible to receive water from WWD by means of a Municipal and Industrial (M&I) Permit.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as the project site is not located in a designated water-short area.

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

Analysis:

The project site is located in an agricultural area marked by relatively large parcel sizes and few

residential land uses. The nearest neighboring dwelling is located approximately one quarter-mile to the northeast of the project site, and ten dwelling units utilized as farm labor housing are located approximately three quarter-miles to the northwest. Additionally, the existing photovoltaic solar power generation facility identified as "North Star" is adjacently located to the north of the project site, and the existing PG&E substation identified as "Mendota Substation" is located approximately two miles to the west. Further, State Route 33 (Derrick Avenue) is located approximately one mile to the east of the project site, the City of Mendota is located approximately two miles to the northeast, and the Mendota Federal Correctional Institution is located approximately one half mile to the east. The project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the project analysis.

Based on the above information and with adherence to the recommended Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See Recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>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; and d) Probable workforce located nearby or readily available.</p>	<p>With regard to Criteria "a", the proposed use will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area. With regard to Criteria "b", loss of farmland resulting from this project would be less than significant considering that the proposal will be conditionally limited to 30 years. Further, upon cessation of the proposed use at the end of the project's 30-year life, the project site will be restored to a pre-development condition for farming operations. With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS)</p>

Relevant Policies:	Consistency/Considerations:
	prepared for this project and discussed in this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties. With regard to Criteria “d”, the project site is located approximately two miles southwest of the nearest city limits of the City of Mendota, which has the ability to provide an adequate workforce. As such, the proposed use is conditionally compatible with the Agriculture General Plan designation.
<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>In this case, the proposed photovoltaic solar power generation facilities will have eight-foot tall chain-link perimeter fencing topped with barbed wire, 10-foot-wide perimeter driveways, and a Condition of Approval has been included requiring the proposed solar equipment to have 50-foot minimum setbacks from property lines. Further, adherence to a Site Plan Review (SPR), which has been required as a Condition of Approval, will ensure compliance with development requirements.</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>This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity, as the project site is not located in a water-short area.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is designated Agriculture in the General Plan. According to General Policy LU-A.3, non-agricultural uses such as electrical power generation facilities may be allowed by means of a discretionary use permit. Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses, and Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations. The project site is not enrolled under a Williamson Act Contract.

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

Analysis:

As discussed above, this proposal is consistent with the General Plan Policies applicable to the project. The proposed photovoltaic solar power generation facilities will have perimeter fencing, 10-foot-wide perimeter driveways, and conditionally-required 50-foot solar equipment setbacks which will provide a buffer between the proposal and adjoining farmland. Further, adjoining farmland will also be protected through the implementation of a Pest Management Plan.

Based on the above information, the proposed photovoltaic solar power generation facilities are consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

Staff received requests for project information from Adams Broadwell Joseph & Cardozo, Attorneys at Law, in accordance with the Public Records Act. Copies of these request letters have been attached as Exhibit 11.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permits can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Nos. 3492, 3493, 3494 and 3495, 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. 6962; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Nos. 3492, 3493, 3494 and 3495, 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 Nos. 3492, 3493, 3494 and 3495; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit Application Nos. 3492, 3493, 3494 and 3495
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Agricultural and Forestry Resources	The project shall adhere to the procedures listed in the Closure, Decommissioning, and Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any permits, the required bond amount, based on engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit) and a Covenant shall be signed between the Property Owner and the County of Fresno and shall run with the land requiring the site to be restored to an agricultural use at the cessation of operation. Any amendments to the Closure, Decommissioning, and Reclamation Plan shall require approval from the Director of Public Works and Planning on the basis of findings that the amended Plan would provide an equivalent or greater level of mitigation for agricultural impacts.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing
*2.	Agricultural and Forestry Resources	Prior to the issuance of any permits, a Pest Management Plan shall be submitted to the Department of Public Works and Planning and approved by the Fresno County Agricultural Commissioner's Office. The Pest Management Plan shall identify methods and frequency to manage weeds, insects, and disease and vertebrate pests that may impact adjacent properties.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing
*3.	Agricultural and Forestry Resources	The Applicant shall acknowledge the need to manage weeds and rodents so as not to become a nuisance which will cause economic and cultural hardship to adjacent properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; or Sections 370 to 372 of the Penal Code); and that the maintenance of such public	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing

		nuisance is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.”			
*4.	Air Quality	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for Air District inspection upon request.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*5.	Air Quality	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*6.	Air Quality	For each project phase, maintain records of total hours of operation for all construction equipment greater than 50 horsepower operated on-site. Within 30 days of completing construction of each project phase, submit to the Air District a summary report of total hours of operation by equipment type, equipment model year, and horsepower.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*7.	Biological Resources	A qualified biologist shall conduct pre-construction (i.e., prior to activities such as clearing and grubbing, excavation, or compaction for temporary staging areas or permanent construction sites) surveys for nesting Swainson’s Hawk on the project site and within a 0.5 mile buffer of the project site in accordance with the “Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley” survey methodology developed by the Swainson’s Hawk Technical Advisory Committee (SWHA TAC 2000). Surveys shall be conducted no more than 14 days in advance of ground-disturbing activity.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*8.	Biological Resources	If pre-construction surveys reveal the presence of an active Swainson’s Hawk nest on the project site or within 0.5 mile of the project site, the Applicant’s biologist shall consult with CDFW to determine an appropriate no-disturbance buffer to avoid take. After the biologist has determined that all young have become independent of the nest or the nest has been naturally predated, and with confirmation in writing from CDFW, construction activities may take place in the former exclusion zone. If take cannot be avoided, an Incidental Take	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted

	<p>Permit (ITP) shall be acquired prior to project implementation.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*9.	<p>Employee environmental awareness training shall be conducted by a qualified biologist for all construction personnel. This training may be a video presentation. This training shall include instruction for construction workers to recognize Swainson's hawks and their habitat(s). The training shall also include a brief presentation by persons knowledgeable in San Joaquin Kit Fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The program shall include the following: a description of the San Joaquin Kit Fox and its habitat needs; a report of the occurrence of San Joaquin Kit Fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*10.	<p>To reduce impacts to Swainson's hawk foraging habitat, mitigation shall be provided via credits purchased at an approved mitigation bank, or conserved through a land conservation easement, deed restriction, or similar method approved by CDFW that will ensure the preservation of foraging habitat. Based on the proximity to an active nest, sufficient credits and/or land shall be purchased to mitigate for the permanent loss of Swainson's hawk foraging habitat on the project site. Loss of foraging habitat includes only the permanent impact area of the project site. Mitigation credits and/or land shall be purchased or conserved at a 0.5:1 ratio. Mitigation lands shall be grasslands, alfalfa, or equivalent, and shall provide equivalent or higher quality foraging habitat for Swainson's hawk than the winter wheat crop previously cultivated on the project site.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*11.	<p>The Applicant shall implement the following measures based on the year 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San</p>	Applicant	Applicant/Fresno County Department of Public Works	As noted

	<p>Joaquin Kit Fox Prior to or During Ground Disturbance” as follows:</p> <ul style="list-style-type: none"> a. No more than 30-days before construction, a pre-construction survey shall be conducted by a qualified biologist to locate and identify potential dens, known dens, and natal dens on the project site, and minimize and avoid impacts to such dens in accordance with the “U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011” and avoid take. If take of San Joaquin Kit Fox is unavoidable, the Applicant shall consult with USFWS and CDFW. b. Project-related vehicles shall observe a 20-mile-per-hour speed limit in all project areas, except on county roads and state and federal highways; this is particularly important at night, when San Joaquin Kit Foxes are most active. To the greatest extent practicable, nighttime construction shall be minimized and nighttime speed limit shall be 10-miles-per-hour. Off-road traffic outside of designated project areas shall be prohibited. c. To prevent inadvertent entrapment of San Joaquin Kit Foxes during the construction of the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. Such holes or trenches shall be inspected by construction personnel at the beginning and end of each day and immediately prior to capping, moving, burying, or any other disturbance. If at any time a trapped or injured San Joaquin Kit Fox is discovered, the procedures under Biological Mitigation Measure Nos. 6(i), 6(k), 6(l), and 6(m) shall be followed. d. San Joaquin Kit Foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or 	<p>and Planning/California Department of Fish and Wildlife</p>	
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<p>similar structures with a diameter of 4 inches or greater that are stored at the construction site for one or more overnight periods shall be thoroughly inspected for San Joaquin Kit Foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin Kit Fox is discovered inside a pipe, then that section of pipe shall not be moved until the United States Fish and Wildlife Service (USFWS) has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.</p>	<p>e. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the project site.</p> <p>f. No firearms shall be allowed on the project site, except for on-site security purposes.</p> <p>g. To prevent harassment or mortality of San Joaquin Kit Foxes or destruction of dens by dogs or cats, no pets shall be permitted on the project site.</p> <p>h. The use of rodenticides and herbicides on the project site shall be minimized to the maximum extent possible while still meeting Fresno County's pest control objectives within an actively farmed landscape. Rodenticides described as "second generation anticoagulants" (e.g., brodifacoum, bromadiolone, difenacoum, and difethialone) shall not be used on the project site. All uses of rodenticides shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, and additional project-related restrictions deemed necessary by USFWS and CDFW. If rodent control must be conducted, zinc phosphide or other compound or trapping method approved by USFWS and CDFW shall be used to lower risk to San Joaquin Kit Fox.</p>	<p>i. The Applicant shall appoint a representative who will</p>

	<p>be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin Kit Fox or who finds a dead, injured, or entrapped fox. This representative shall be identified during the employee education program. The representative's name and telephone number shall be provided to the USFWS.</p>		
	<p>j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., shall be recontoured, if necessary, and revegetated to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with USFWS and CDFW and revegetation experts.</p>		
	<p>k. In the case of trapped San Joaquin Kit Fox, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or USFWS shall be contacted for advice.</p>		
	<p>l. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin Kit Fox shall immediately report the incident to their representative. This representative shall contact CDFW immediately in the case of a dead, injured, or entrapped San Joaquin Kit Fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. State Dispatch will contact the local warden or biologist.</p>		
	<p>m. The Sacramento USFWS Office and CDFW shall be notified in writing within three working days of the accidental death of or injury to a San Joaquin Kit Fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured fox and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6620. The CDFW contact is the CDFW Regional Manager, Central Region, 1234 E. Shaw Ave., Fresno, CA, 93710, (559) 243-4005.</p>		

		<p>n. Habitat permeability for San Joaquin Kit Fox shall be maintained by installing only permeable fences. To enable San Joaquin Kit Foxes and other wildlife to pass through the project site after construction, the perimeter fences shall be raised five (5) to seven (7) inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. Electrified fences shall be prohibited.</p> <p>o. New sightings of San Joaquin Kit Fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location where the San Joaquin Kit Fox was observed shall also be provided to USFWS at: Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620 or (916) 414-6600.</p>	Applicant	
*12.	Biological Resources	<p>A qualified biologist shall conduct pre-construction (i.e., prior to activities such as clearing and grubbing, excavation, or compaction for temporary staging areas or permanent construction sites) surveys for Burrowing Owls in accordance with the CDFW 2012 "Staff Report on Burrowing Owl Mitigation". Surveys shall be undertaken not more than 14 days prior to ground-disturbing activity to ensure avoidance of Burrowing Owls during construction. The project site shall be resurveyed in the event ground-disturbing activities are completely suspended or delayed for more than 30 days.</p>	Applicant	As noted
*13.	Biological Resources	<p>If construction begins during the burrowing owl nesting season (February 1 through August 31), and pre-construction surveys indicate that burrowing owls are occupying burrows on the project site or immediate vicinity, no-disturbance buffers shall be established as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" or as determined through coordination with CDFW to avoid disturbing the occupied burrows. The buffers shall remain in place until a qualified biologist determines that the young have fledged or the nest has failed; at this time, burrow exclusion and closure measures shall be implemented as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation", including</p>	Applicant	As noted

		preparation of a burrowing owl exclusion plan for submittal to CDFW for review and approval. After owls have been excluded from occupied burrows and the burrows closed, work may proceed.			
*14.	Biological Resources	If construction begins during the burrowing owl non-nesting season (August 31 through February 1), and pre-construction surveys indicate that burrowing owls are occupying burrows on the project site or immediate vicinity, no-disturbance buffers will be established as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" to avoid disturbing the occupied burrows. If the buffers specified in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" are not feasible (i.e., construction cannot proceed with the required buffers in place), burrow exclusion and closure measures shall be implemented as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation", including preparation of a burrowing owl exclusion plan for submittal to CDFW for review and approval. After owls have been excluded from occupied burrows and the burrows closed, work may proceed. Alternatively, work may proceed with reduced buffers if approved by CDFW.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*15.	Biological Resources	If pre-construction surveys identify burrowing owl on the project site, to offset the loss of occupied, low quality breeding/non-breeding habitat, 6.5 acres of mitigation credits shall be purchased at an approved mitigation bank or comparable land will be conserved. If possible, the mitigation requirement for burrowing owl shall be included in the purchasing of mitigation credits for Swainson's hawk foraging habitat. Any offsite mitigation would be satisfied via credits purchased at an approved mitigation bank, or conserved through a land conservation easement, deed restrictions, or similar method approved by CDFW that will ensure permanent preservation of foraging habitat.	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish and Wildlife	As noted
*16.	Biological Resources	The following measures shall be implemented to reduce impacts to nesting California horned lark on the Project site: a. If construction begins during the nesting season (February 1 to August 31), a survey for nesting birds shall be	Applicant	Applicant/Fresno County Department of Public Works and Planning/California Department of Fish	As noted

		<p>conducted within the Project footprint and within a 100-foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction.</p> <p>b. If nesting birds are found within 100 feet of the Project footprint during the survey, an initial setback of 100 feet from nesting areas shall be established and protected with Environmental Sensitive Area (ESA) fencing. ESA fencing shall be maintained during the nesting season until construction is complete or the young have fledged, as determined by a qualified biologist.</p> <p>c. A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities considering the 100-foot setback. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work.</p> <p>d. If the qualified biologist determines that the setback can be reduced, initial construction activities in the vicinity of the nest shall be monitored by a qualified biologist. If the biologist determines nesting is not affected by construction activities with the reduced setback, work can proceed. If it is determined that construction activities are adversely affecting the nesting birds with the reduced setback, all construction within 100 feet of a nest shall be halted until the biologist can establish an appropriate setback.</p> <p>e. Worker environmental awareness training shall be conducted by a qualified biologist for all construction personnel. The training shall instruct workers about the purpose of ESA fencing and the resources being protected. This training may be a video presentation.</p>		and Wildlife	As noted
*17.	Cultural Resources	<p>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</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning	

		<p>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.</p>			
<p>*18.</p>	<p>Cultural Resources</p>	<p>Paleontological monitoring shall occur under the direction of a qualified paleontologist for all excavations that extend deeper than 15 ft bgs of the Project. The use of pile driving or rotary drilling does not require monitoring. As the on-site sediments are relatively unconsolidated, part of the monitoring shall include spot screening the sediments through 1/8-inch screens to determine whether small fossils are present that would otherwise be missed because of their small size. If small fossils are observed, a sample size to be determined by the consulting paleontologist shall be collected and processed through 1/20-inch screens to collect additional fossil remains that may be present. If no paleontological observed after a period of time, or if the qualified paleontologist determines that the sediments below 15 feet are unlikely to contain paleontological remains, recommendations can be made that monitoring be reduced or halted.</p> <p>Should paleontological resources be encountered during Project subsurface construction activities, all activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If found to be significant, and Project activities cannot avoid paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, salvage excavation/collection, identification, a report, and accessioning the collected fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the monitoring activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the Project applicant for review, and, if paleontological materials are recovered, the report shall also be submitted to a paleontological repository, such as the University of California</p>	<p>Applicant</p>	<p>Applicant/Fresno County Department of Public Works and Planning</p>	<p>As noted</p>

	Museum of Paleontology at Berkeley.	
Conditions of Approval		
1.	Development shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission, except as modified by Site Plan Review.	
2.	Prior to the issuance of building permits, a Site Plan Review (SPR) Application 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. The SPR shall be applicable to those portions of the project site(s) to be improved with substations, inverters, perimeter access roads, parking, and driveway access, excluding the solar panel fields. 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.	
3.	The life of these land use permits will expire upon expiration of the 30-year initial life of the project. If solar power generation operations are to be extended, or the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained.	
4.	The project shall comply with the Supplemental Information provided by the Applicant in Response to County Solar Facility Guidelines attached as Exhibit 9 to the Staff Report, and as approved and/or modified by the Planning Commission.	
5.	The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Department of Public Work's and Planning.	
6.	There shall be a 50-foot minimum setback maintained between the solar equipment and the property lines of the project site.	
7.	Prior to occupancy, the Applicant shall enter into an agreement with Fresno County incorporating provisions of the Right-to-Farm Notice (Ordinance Code Sections 17.04.100 and 17.72.075) for acknowledgement of the inconveniences and discomforts associated with normal farm activities in the area surrounding the proposed use.	
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.		
Notes		
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.		
1.	These Conditional Use Permits (CUPs) will become void unless there has been substantial development within two years of the effective date of the CUP approval.	
2.	As construction of this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity will be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.	

Notes

3.	Development of the proposed solar power generation facilities must comply 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.
4.	Any Generation Tie Lines constructed for the proposed photovoltaic solar power generation facilities shall be constructed within private easements. If the Applicant wishes to use County road right-of-way for lateral placement of a Generation Tie Line, a franchise agreement between the County and the Applicant is required, or the Generation Tie Line must be owned and operated by PG&E under their existing franchise agreement.
5.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
6.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing California Avenue, Jensen Avenue, Ohio Avenue or the San Bernardino Avenue alignment.
7.	Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
8.	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 to the Fresno County Department of Public Health pursuant to the HSC, Division 20, Chapter 6.95.
9.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
10.	If any underground storage tank(s) are discovered during construction activities, the applicant/operator shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health.
11.	Records indicate there are two existing agricultural water wells and possibly two monitoring wells on the project site. In an effort to protect groundwater, all abandoned water and monitoring wells (not intended for use or future use) within the project site shall be properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column shall be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oil-contaminated water removed from the well must be handled in accordance with federal, state and local government requirements.
12.	The Compliance Agreement between Westlands Water District (WWD) and the State Water Resources Control Board (SWRCB) requires non-residential users proposing to utilize the WWD as a domestic water source to obtain an Alternative Water Exclusion from the SWRCB to ensure the use of bottled potable water for all cooking and drinking. In order to obtain an Alternative Water Exclusion, the Applicant must satisfy the following requirements:

Notes

1. A signed petition submitted to the SWRCB requesting an Alternative Water Exclusion under the Compliance Agreement between the WWD and the SWRCB.
 2. The Petition must state that only bottled water provided by the WWD will be used for drinking or cooking.
 3. Applicant must agree to have the WWD provide bottled water via an approved bottled water provider, and agree to reimburse the WWD for their costs to do so.
 4. Signage must be posted at all sinks or faucets that states that the tap water is non-potable.

13. 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 (Fire District) for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire District, and all fire protection improvements shall be installed prior to occupancy being granted to the use.

14. This project may be subject to the following San Joaquin Valley Unified Air Pollution Control District (Air District) Rules and Regulations:
 - A. Regulation VIII (Fugitive PM10 Prohibitions)
 - B. Rule 4102 (Nuisance)
 - C. Rule 4601 (Architectural Coatings)
 - D. Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)
 - E. Authority to Construct (ATC) Permit

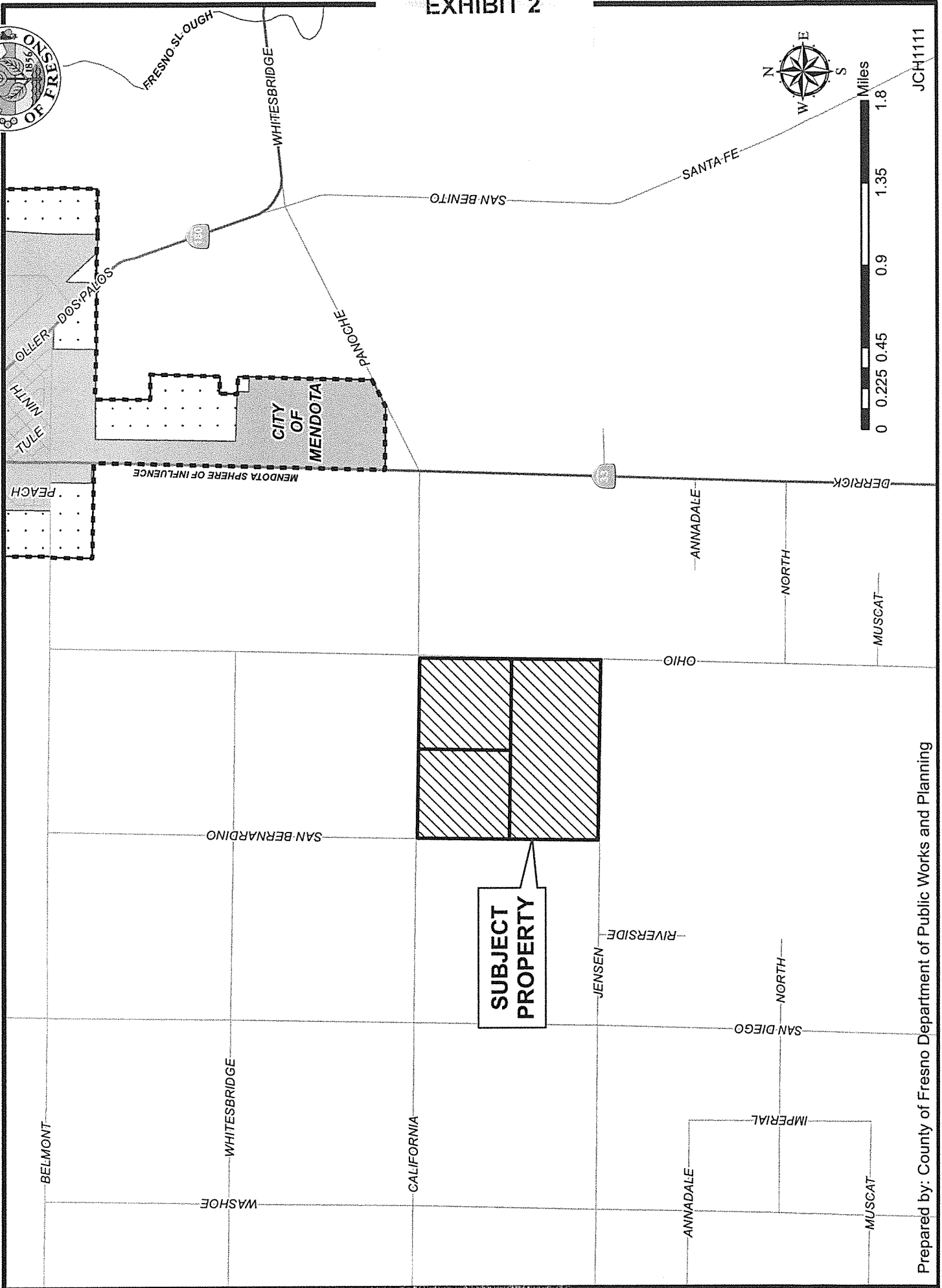
DC:
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LOCATION MAP

IS 6962



EXHIBIT 2



EXISTING ZONING MAP



EXHIBIT 3

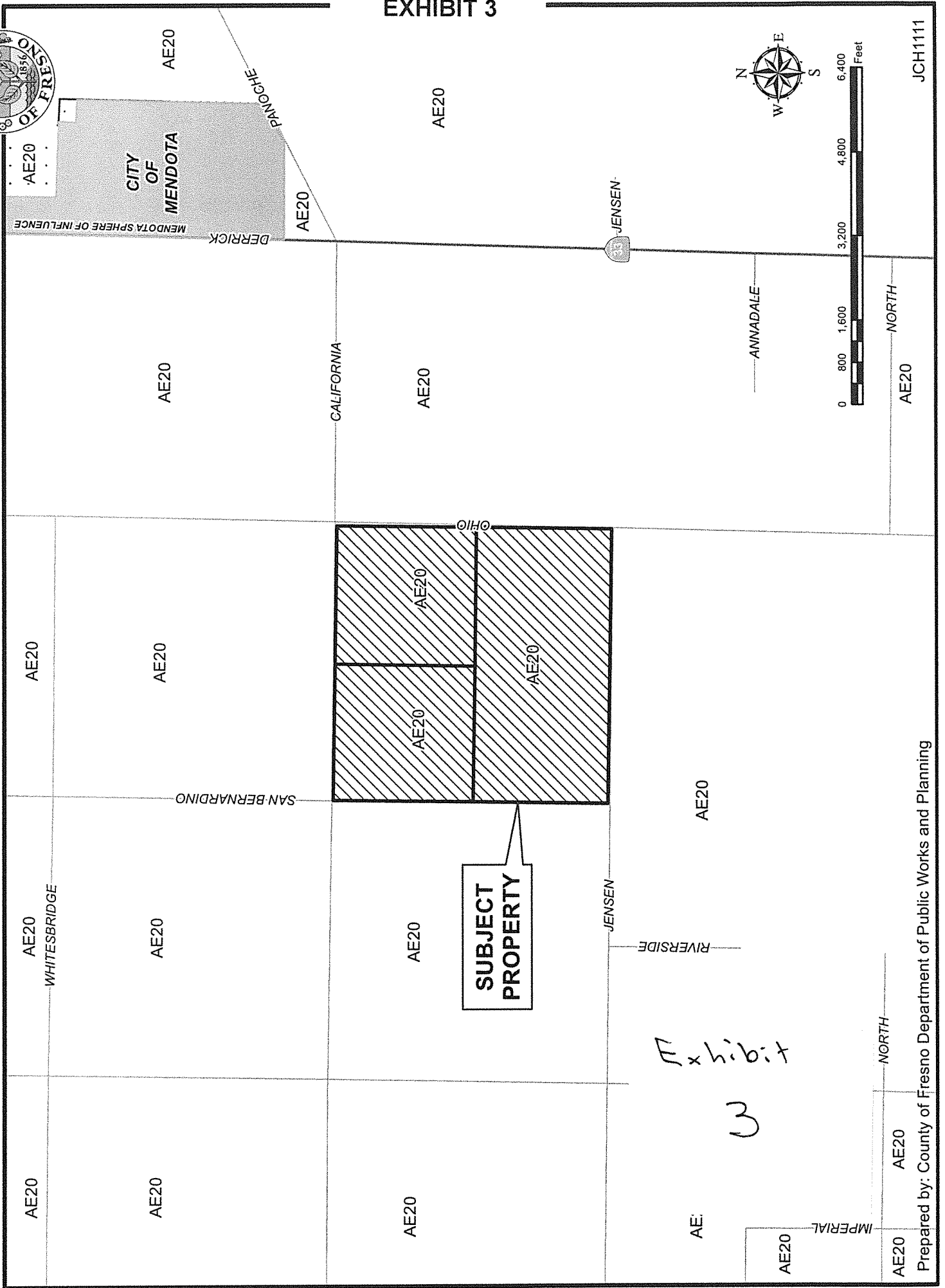


Exhibit
3



EXHIBIT 4

EXISTING LAND USE MAP

IS 6962

LEGEND

ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

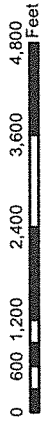
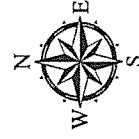
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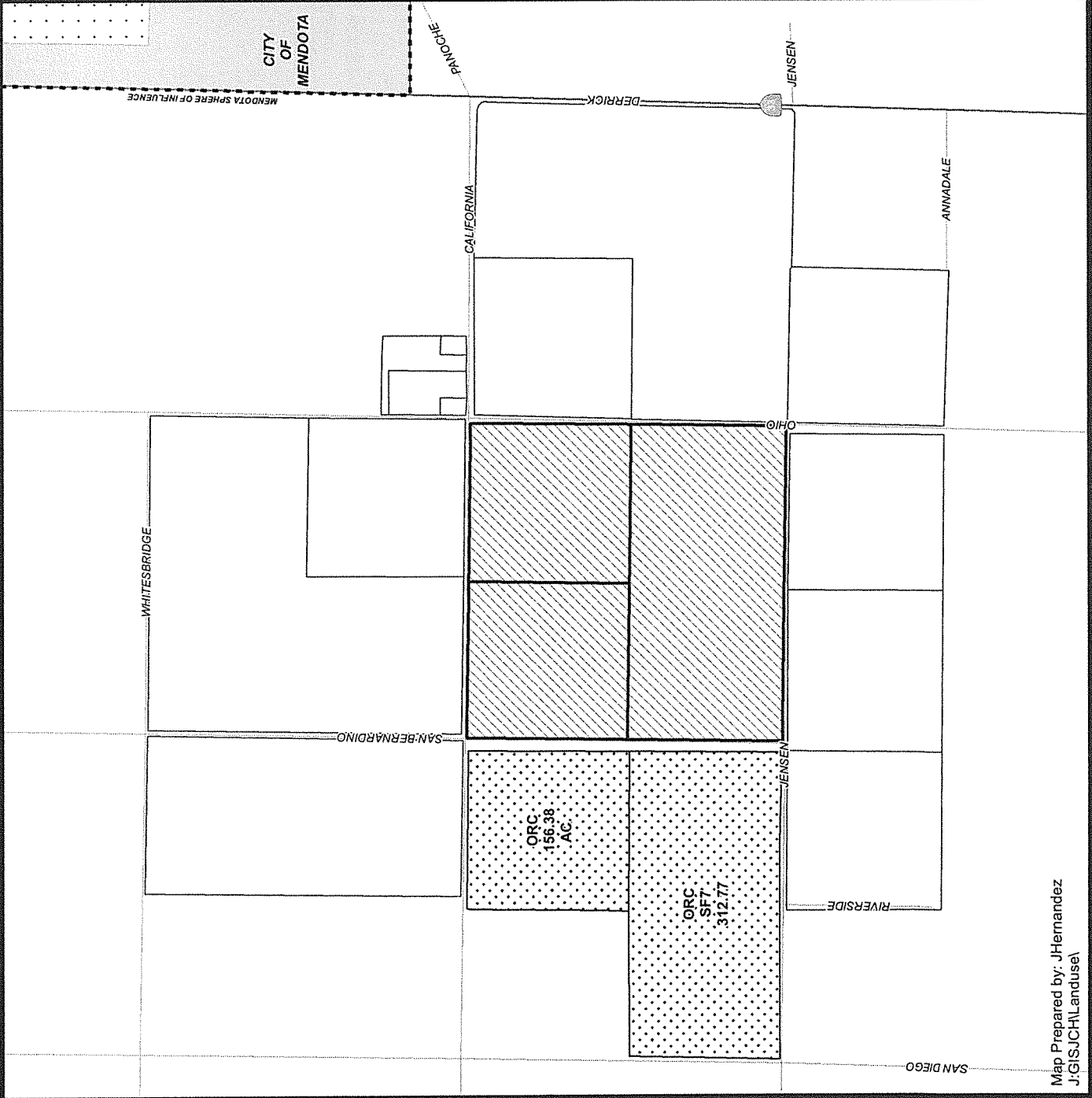
Subject Property



Ag Contract Land



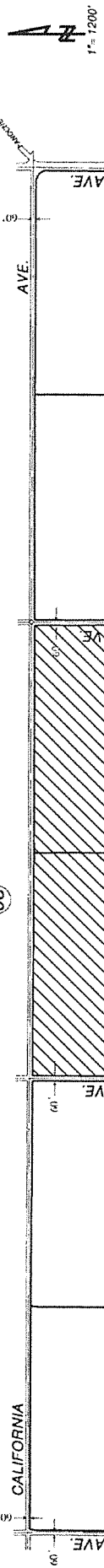
Department of Public Works and Planning
Development Services Division



SEC'S 13, 14, 15, 22, 23, & 24, T. 14 S., R. 14 E., M.D.B. & M.

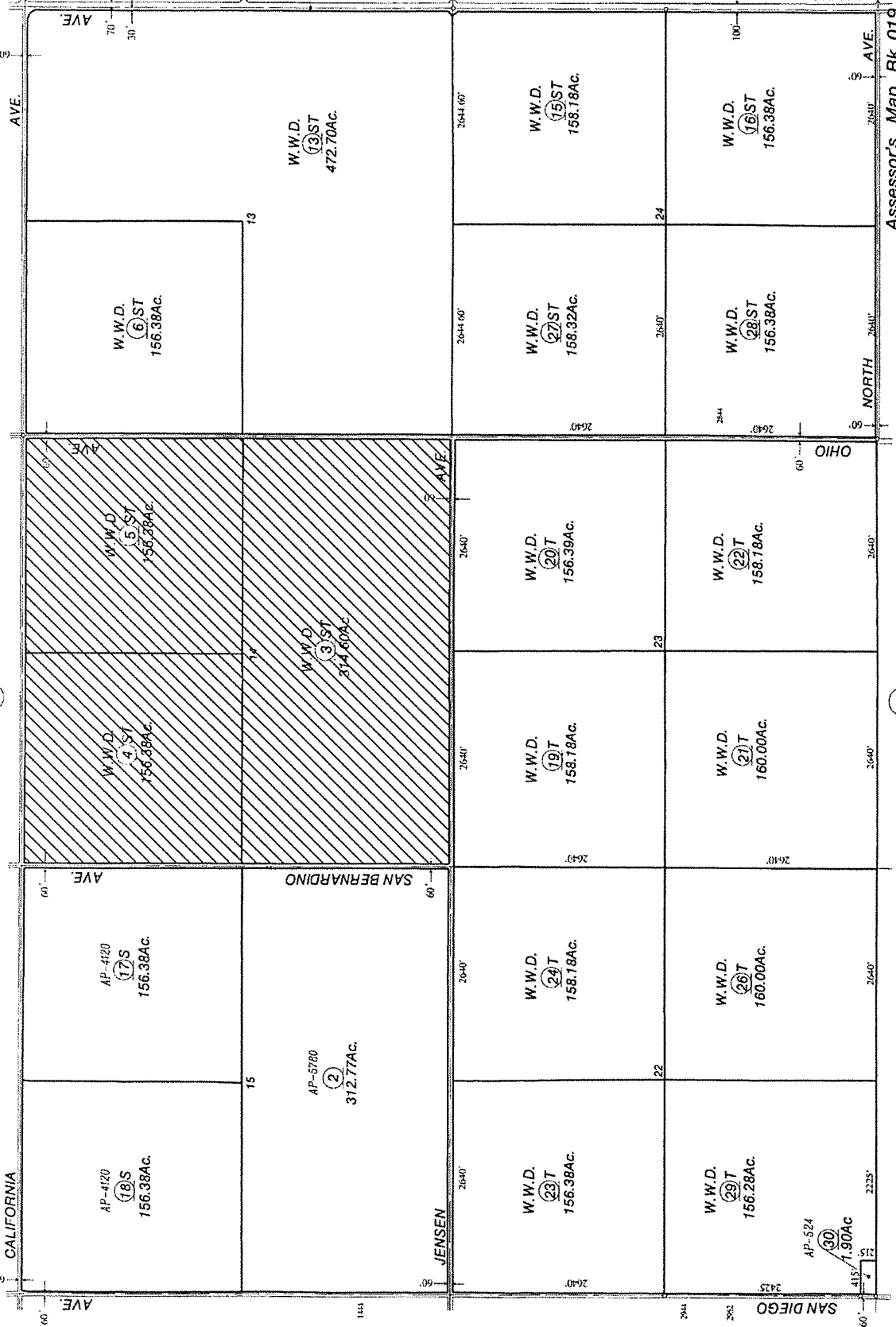
Tax Rate Area
140-006

019-11



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

EXHIBIT 5



Assessor's Map Bk. 019 - Pg. 11
County of Fresno, Calif.

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

Agricultural Preserve

03-09-05

EXHIBIT 6

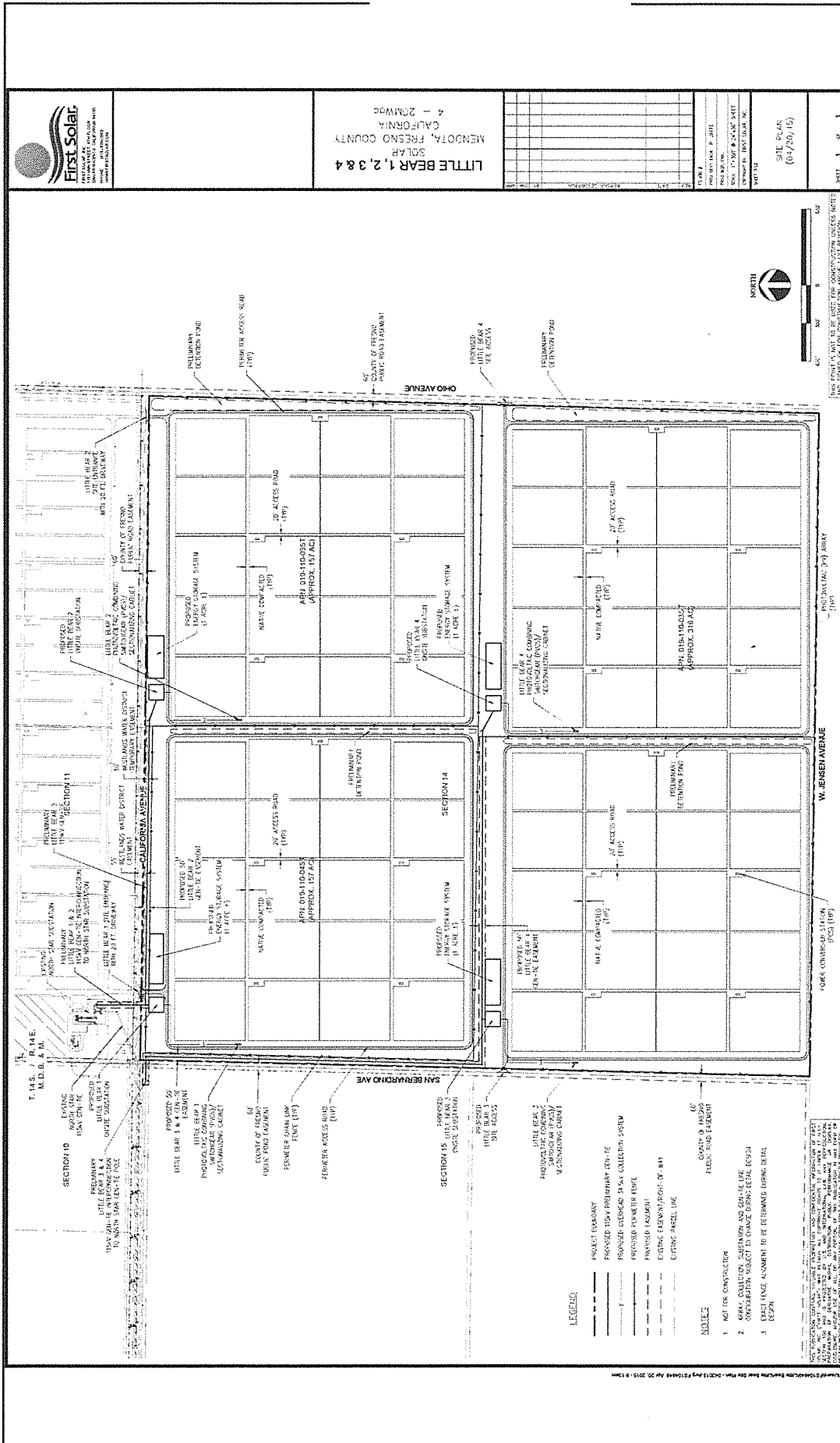


FIGURE 3A

Little Bear Solar Project
Little Bear Solar 1, LLC, Little Bear Solar 2, LLC
Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC
 Fresno County, California
 Project Design

LSA

SOURCE: First Solar, Inc. (2015).
 I:\First1408\A\Project Description\Figure 3A Project Design.ai (4/22/15)

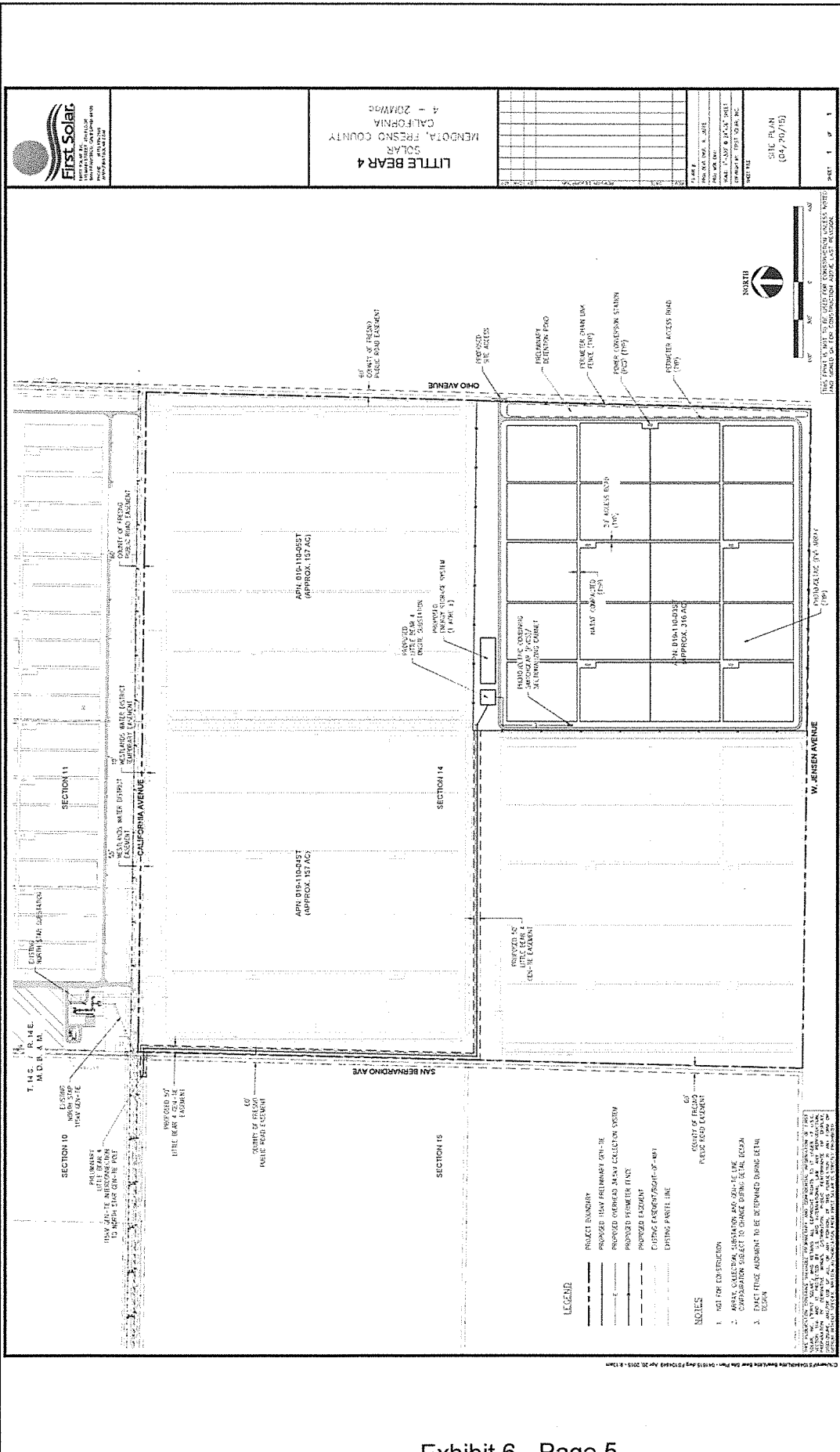


FIGURE 3G

Little Bear Solar Project

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC

Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Fresno County, California

Project Design Little Bear 4 Site Plan

LSA

SOURCE: First Solar, Inc. (2015).
 I:\NFs1408\A\Project Description\Figure 3G.ai (04/22/15)

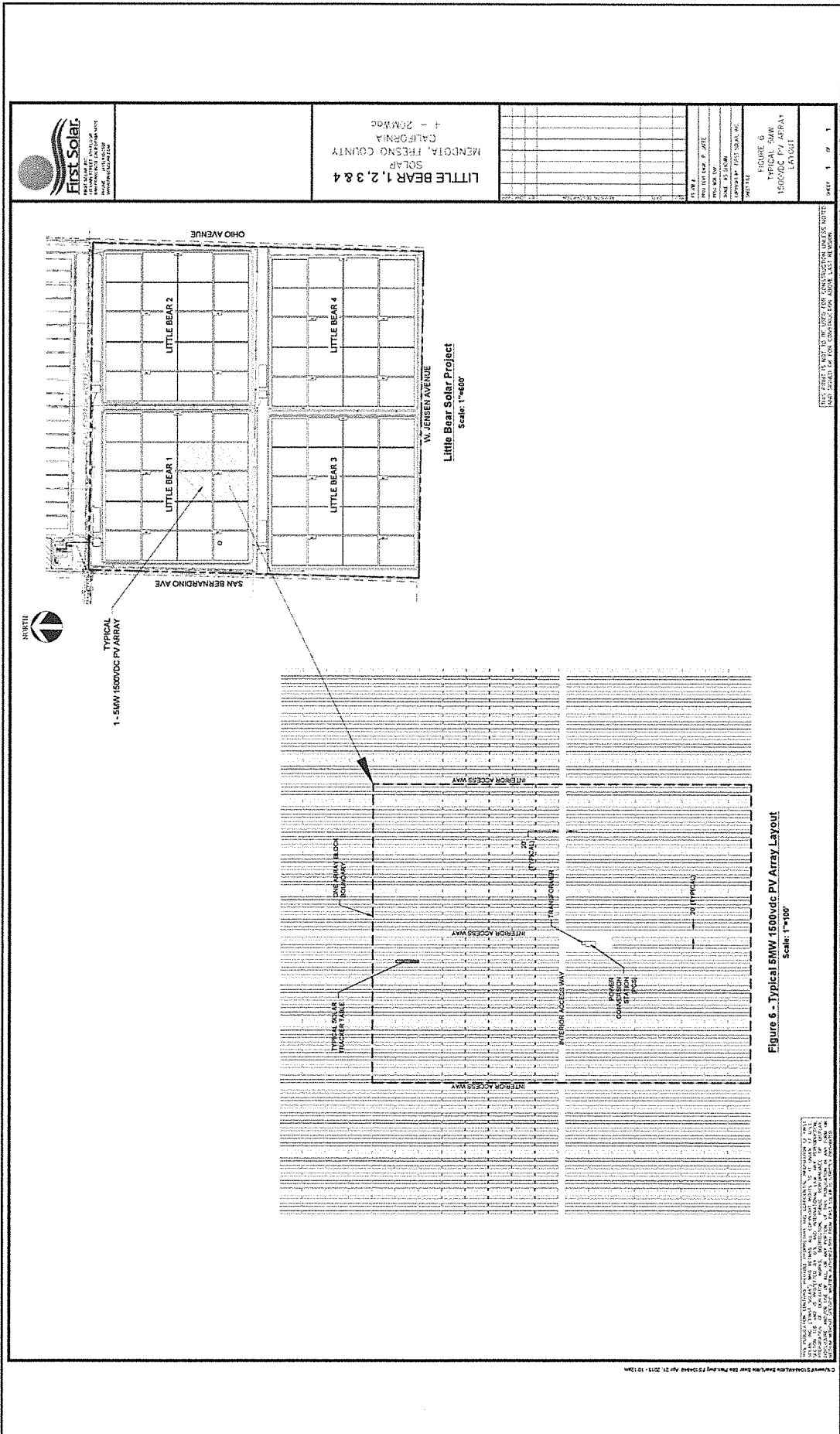


FIGURE 5

*Little Bear Solar Project
 Little Bear Solar 1, LLC, Little Bear Solar 2, LLC
 Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC
 Fresno County, California
 Typical PV Array*

LSA

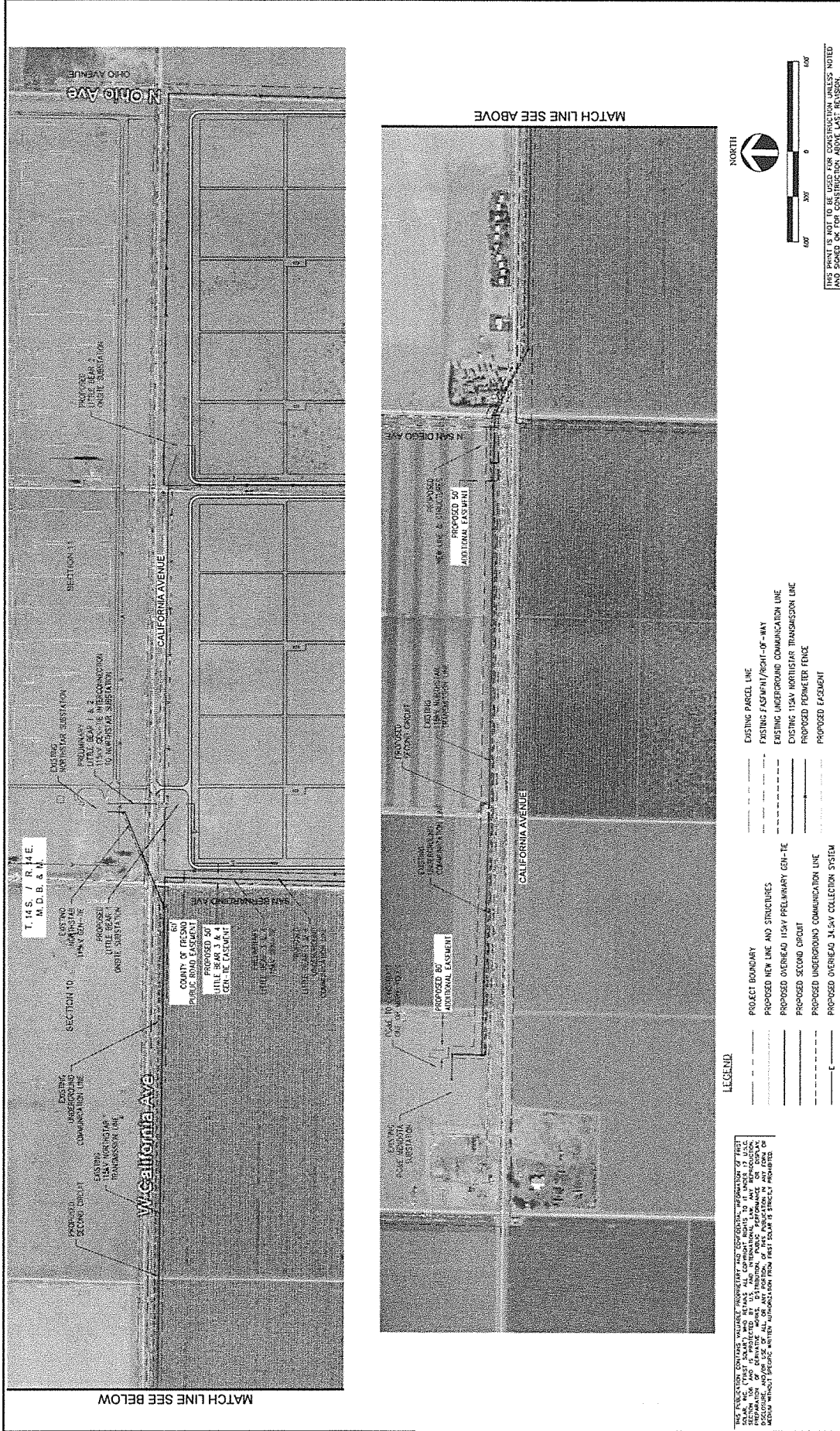
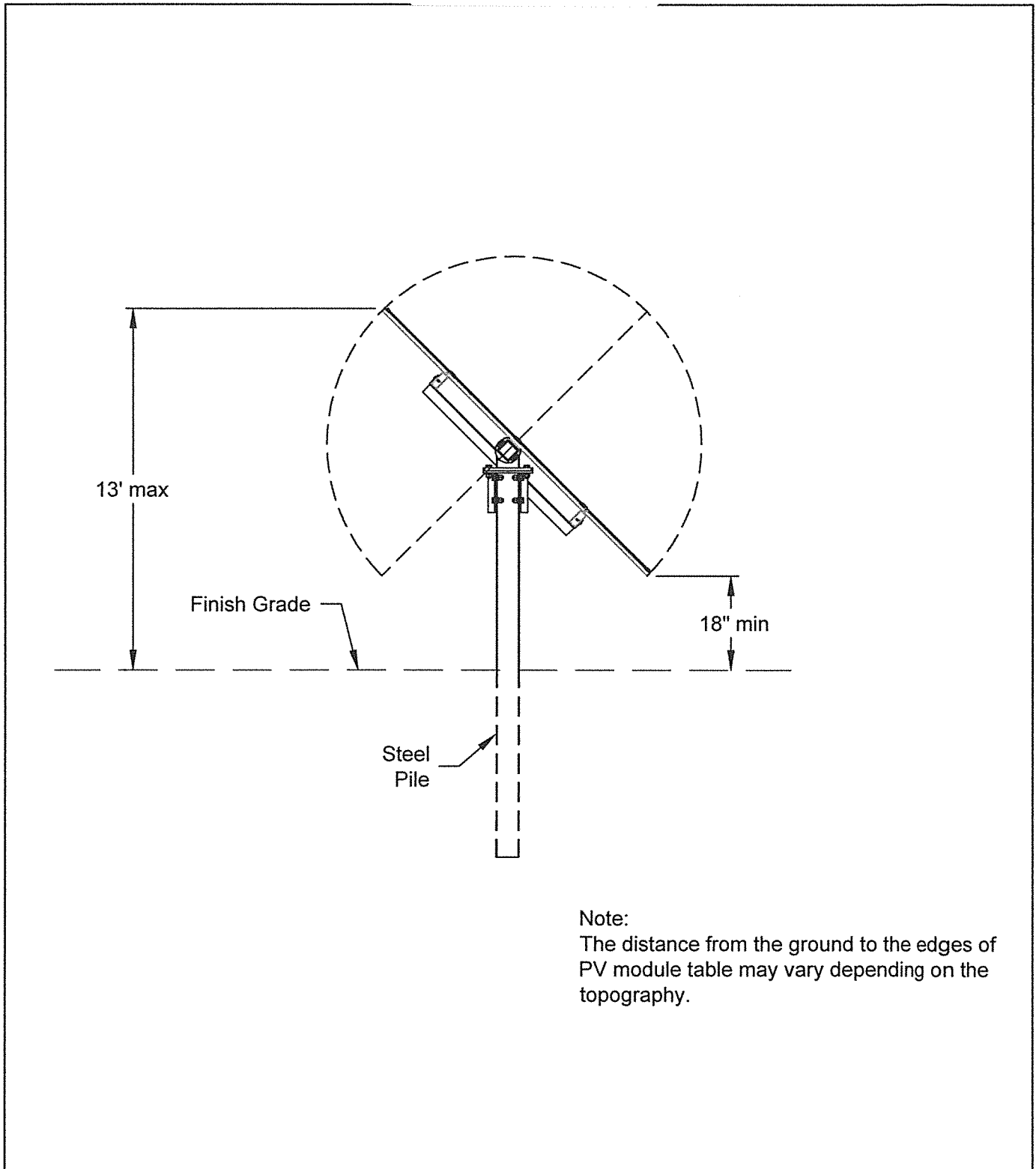


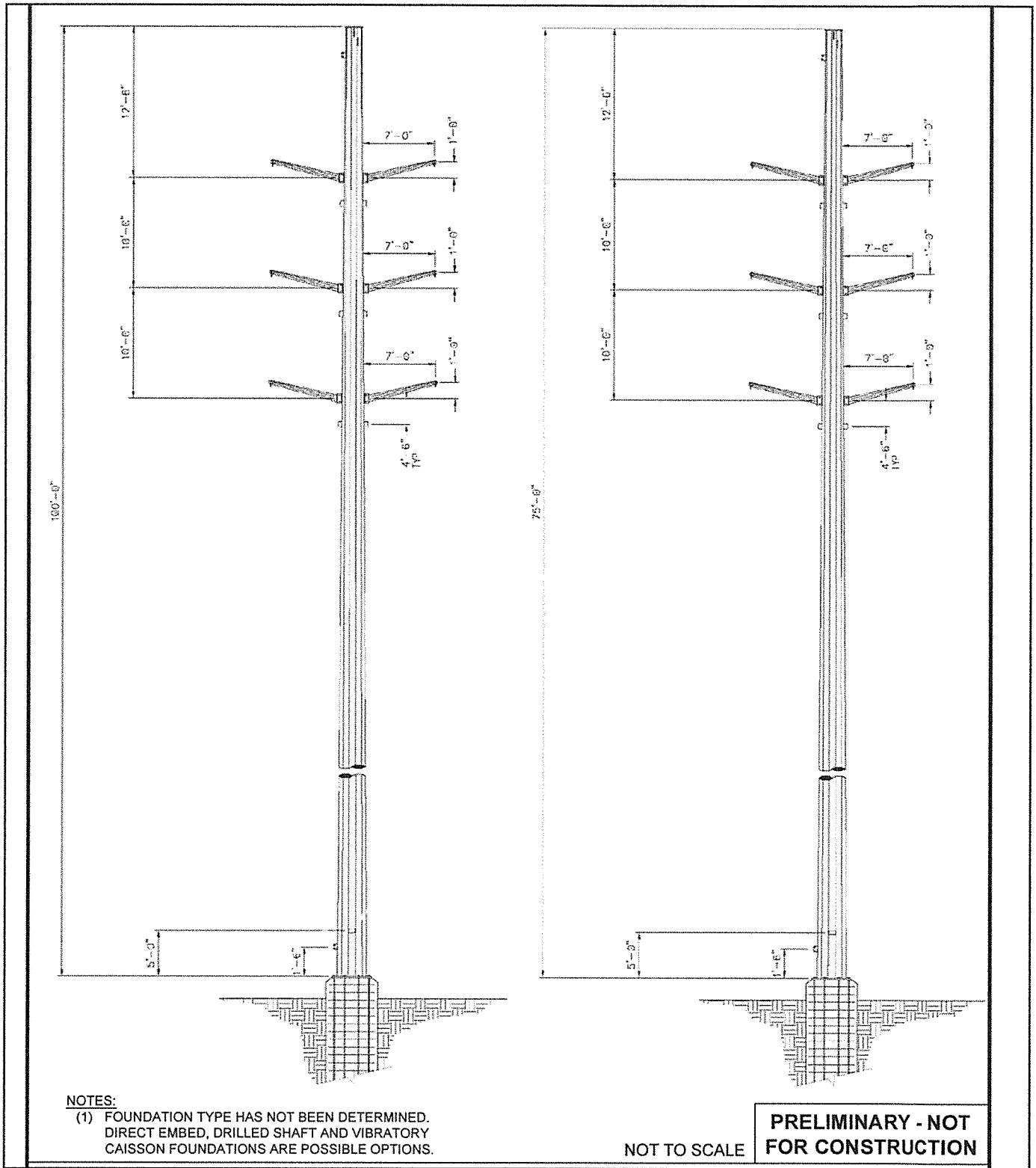
EXHIBIT 7



LSA

FIGURE 4

*Little Bear Solar Project
Little Bear Solar 1, LLC, Little Bear Solar 2, LLC
Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC
Fresno County, California
Typical PV Solar Tracker*



LSA

FIGURE 6

*Little Bear Solar Project
 Little Bear Solar 1, LLC, Little Bear Solar 2, LLC
 Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC
 Fresno County, California*

Typical Transmission Structures

EXHIBIT 8

Little Bear Solar Project

Operational Statement

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COUNTY OF FRESNO

OCT 28 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Prepared for
Fresno County Public Works and
Planning Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Project Applicant
Little Bear Solar 1, LLC
Little Bear Solar 2, LLC
Little Bear Solar 3, LLC
Little Bear Solar 4, LLC
135 Main Street, 6th Floor
San Francisco, CA 94105

**Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and
Little Bear Solar 4, LLC**

Little Bear Solar Project

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2.8 Hazardous Materials.....	7
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Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

Acronym List

AC	Alternating Current
DC	Direct Current
District	Fresno County Fire Protection District
FTE	Full-time equivalent
Gen-Tie	Generation-Tie Transmission Line
HMMP	Hazardous Material Management Plan
kV	Kilovolt
MW	Megawatt
MWac	Megawatt alternating current
PCS	Power Conversion Station
PG&E	Pacific Gas and Electric
PPA	Power Purchase Agreement
Project	Little Bear Solar Project (Little Bear 1, 2, 3, and 4)
PV	Photovoltaic
PVCS	Photovoltaic Combining Switchgear
SSC	Site Control Center
WWD	Westlands Water District

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

1.0 Project Description

The Little Bear Solar Project (referred hereafter as the "Project") will consist of the development of a solar photovoltaic (PV) power generating project with a capacity of approximately 80 megawatts alternating current (MWac) (approximately 20 MWac Facilities on the Project site referred hereafter as "Little Bear 1," "Little Bear 2," "Little Bear 3," and "Little Bear 4"). The applicants for the proposed Project (collectively referred to as "Applicant") are seeking up to four Unclassified Conditional Use Permits and other ministerial approvals to construct, operate, and decommission the Project on approximately 630 acres of agricultural land located in western Fresno County.

The Project site is located in the San Joaquin Valley, approximately 13 miles east of Interstate 5 (I-5), approximately 2.5 miles southwest of the City of Mendota, and approximately one mile west of State Route 33 (SR-33), in the western portion of the San Joaquin Valley, in unincorporated Fresno County, Section 14, Township 14 South, Range 14 East, Mount Diablo Base and Meridian (MDBM). Specifically, the Project site is bounded by West California Avenue to the north, West Jensen Avenue to the south, San Bernardino Avenue to the west, and, South Ohio Avenue to the east.

1.1 Project Components

The construction period of an individual Facility is anticipated to be 8 to 10 months. The construction period for two Facilities built simultaneously is anticipated to be 10 to 14 months. It is not anticipated that more than two Facilities will be constructed simultaneously. Construction of Little Bear 1 and 2 is expected to begin in January 2016. The proposed Project will consist of various components and features. The Project's main components are discussed further in the sections below.

1.2 Solar PV Generating Facility

The Project will install arrays of solar PV modules to convert solar energy directly to electrical power to supply the existing electrical grid. The solar PV modules would convert the sunlight striking the modules directly into low voltage DC power, which is collected at high voltage DC and subsequently transformed to alternating current (AC) power via an inverter.

The Project will be constructed using thin film or other PV solar modules (each approximately 25 inches wide by 50 inches long) mounted on fixed-tilt mounting systems, horizontal tracker structures, or a combination thereof. The mounting system for the modules is proposed to be supported by steel posts driven into the ground.

Fixed-tilt arrays, which do not track the sun, will be positioned in a south facing orientation at a tilt between 20 and 25 degrees from horizontal (ground surface) to receive optimal solar energy throughout the year.

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

The rows in each array will be oriented in an east west direction. The maximum height for fixed-tilt arrays will be approximately 13 feet above the ground.

A single-axis horizontal tracking system will entail the installation of PV modules on a rack with a rotating-gear drive that tracks the sun. When the sun is directly overhead, the modules will be at a zero degree angle (level to the ground).

The tracking units will be arranged in north to south oriented rows, and will be powered by a drive motor to track the east-west path of the sun on a single axis throughout the day. At a horizontal position, the modules will be approximately six to eight feet off the ground. The highest point for a horizontal tracker occurs during the early morning and evening hours and is approximately a maximum of 13 feet above the ground surface.

Each Facility will include several solar arrays along with associated interior access ways and perimeter roads. Each solar array will include PV modules installed in rows up to 1500 V DC and will be connected to an up to 5 MWac Power Conversion Station (PCS). The PCS will include inverters which will convert the DC power into AC power and transformers that will increase the AC power output to 34.5 kV for collection to the photovoltaic combining switchgear (PVCS). Each Facility will include a combination of underground and overhead 34.5 kV AC collection system to convey electricity from the arrays to the Facility PVCS and substation.

Each Facility will have an underground network of AC power cables that will connect the PCS transformers to a medium voltage PVCS and then to the Facility's 115 kV substation.

Each Facility will have an onsite substation that will contain one or more 34.5 kV to 115 kV step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, backup power, and associated substation equipment, and a dedicated perimeter fence. Service power will be provided by PG&E and emergency generators may be installed for operations.

Each Facility may have an Energy Storage System (ESS) that will provide up to four hours of electrical storage. The ESS will be sited on an approximately one-acre area next to the onsite substation in separate outside rated enclosures. In response to the passage of AB 2514, California's largest investor-owned utilities (IOU) have begun procuring projects to meet the goal of 1.3 Gigawatts of energy storage by 2022. The Applicant intends to procure an energy storage agreement with one of the California IOUs. The ESS can provide benefits and services such as load shifting, demand response, ancillary services, and renewable energy firming.

Each Facility may have a single small operations and maintenance (O&M) building of up to approximately 2,000 square feet, a parking area, and other associated facilities. If an O&M building is not required, storage enclosures may be installed on concrete pads.

The Project may have aboveground water storage tank(s). Water for Project operation will be supplied from a combination of Westlands Water District (WWD), groundwater, or trucking water to the Project site from offsite sources (if needed). Water pipeline(s) may be

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

installed on the Project site connecting to the North Star Solar groundwater and/or WWD. The water pipeline, if installed, will cross West California Avenue.

1.3 115 kV Generation Tie-Line

The Project will, where possible, share the existing two-mile-long 115 kV gen-tie line and underground communication lines between the North Star Solar Project Substation and PG&E's Mendota substation. Little Bear 1 and 2 will include construction of a new 115 kV gen-tie line from their onsite substations that will connect to the North Star Solar Project Substation. The new gen-tie line will cross over West California Ave and the existing PG&E distribution lines. Little Bear 1 and 2 will then utilize the existing North Star circuit, transmission poles, and underground communication line from the North Star Substation to Mendota Substation. Little Bear 1 and 2 will install new underground communication lines to connect into the existing North Star underground communication line which will cross County right of way.

Little Bear 3 and 4 will interconnect to the Mendota Substation using a new, second circuit to be installed on most of the existing North Star gen-tie transmission poles. The gen-tie line and underground communication line for Little Bear 4 will run from its onsite substation to the Little Bear 3 onsite substation via a one-mile overhead or underground 115 kV gen-tie line.

The expansion work of a second circuit on the North Star gen-tie line will require installation of some additional gen-tie transmission poles to complete the interconnection. Little Bear 3 and 4 will install and share new gen-tie transmission poles and underground communication lines along San Bernardino Ave on the Project site that will connect Little Bear 3 and 4 to the existing North Star gen-tie transmission pole and existing underground communication line on the corner of West California Avenue and San Bernardino Avenue. These gen-tie transmission poles are discussed in the environmental analysis section.

There will also be additional new gen-tie line transmission poles near San Diego Avenue installed to allow the second circuit to cross the existing PG&E transmission line. Lastly, new gen-tie transmission poles will be installed as needed near the Mendota Substation to complete the connection into the PG&E substation. The additional gen-tie transmission poles along California Avenue at the Mendota Substation and San Diego Avenue will not require further CEQA analysis or approval. The area along California Avenue has been previously studied under CEQA (Initial Study No. 6718) and approved for development of the North Star Gen-Tie Line, Substation, and Related Facilities Project (CUP No. 3413, approved November 14, 2013). No further CEQA analysis or approval on the installation of the additional transmission poles along this corridor would be required for this Project.

1.4 Project Access and Internal Circulation

The Project will have private perimeter roads, and interior access ways for construction and operation. Perimeter roads and interior access ways are proposed to be composed of native compacted soil. The Project will have driveways that will be located at up to four points off

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

of West California Avenue, South Ohio Avenue, and San Bernardino Avenue which will meet applicable County standards.

1.5 Meteorological Station

The Project will have meteorological stations within the solar field, and if tracker technology is utilized, each Facility may have up to five 20-foot tall steel lattice meteorological towers mounted on concrete foundations and installed around the perimeter of the solar field. Based on this, a total of 20 meteorological towers may be installed on the Project site.

2.0 Project Operation and Maintenance

2.1 General Operations

The operation and maintenance for all phases of the Project would require up to eight full-time equivalent (FTE) personnel (or personnel hours totaling up to eight FTE positions) consisting of plant operators, maintenance technicians, and site security. Maintenance and administrative staff would typically work during regular business hours (8:00 a.m. to 5:00 p.m.) Monday through Friday. During periods when non-routine maintenance or major repairs are in progress, the maintenance staff would typically work nights when the Facilities are not generating power to the grid. No employees would live on site. Preventive maintenance kits and certain critical spare equipment would be typically stored onsite, while all other components would be readily available from a remote water house facility.

2.2 Access, Internal Circulation, and Parking

The Project site would be accessed via private driveways, developed in accordance with County standards that will be located off West California Avenue, South Ohio Avenue, and San Bernardino Avenue. Each access driveway would be gated in order to control entrance to the Project site. A private perimeter access road would be developed within the Project site and used for internal circulation. The main perimeter road would border each Facility on the Project site and access roads would be connected to the perimeter roads to allow access to each of the PV arrays within each of the Facilities. The perimeter and access roads within the Project site would be composed of native compacted soils. The O&M building developed onsite would require parking for employees. An area adjacent to the building may be graveled or paved for employee parking and would meet County requirements for parking space amount and dimensions.

2.3 Maintenance, Service, and Delivery Vehicles

Maintenance work would consist of equipment inspection and replacement and would occur primarily during daylight hours. Maintenance work during nighttime hours and weekends may be necessary to complete critical maintenance activities.

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

Infrequently and on an as-needed basis, some maintenance may require service and delivery vehicles. Operation of the proposed Project could generate 16 average daily trips (ADTs) that would be added to SR 180 and West California Avenue.

2.4 Water Use

Construction activities associated with the Project are anticipated to require a total of approximately 57.44 acre-feet of water. Based on the construction schedule for the project, assuming that Little Bear 1 and 2 would be constructed concurrently over an approximately 12-month period and Little Bear 3 and 4 would be constructed concurrently over a subsequent approximately 12-month period, this equates to an estimated 28.72 acre-feet per year for a total of two years. The Project's annual water consumption during operation is expected to be approximately four acre-feet to be used for fire protection and potentially for PV solar panel washing. Both construction and operation water needs would be met through a combination of combination of WWD surface water entitlements groundwater and/or offsite sources (trucking water onto the Project site). A water storage tank may be installed at the O&M area to provide water supply needed for fire protection and operations. Additional potable water may be delivered for O&M staff consumption. Water pipeline(s) may be installed on the Project site connecting to the North Star Solar groundwater and/or WWD. The water line, if installed, will cross West California Avenue.

2.5 Noise, Glare, Dust, Odor Impacts

The Project could potentially have an impact on noise, glare, dust, and odor during construction and operation.

Noise

During construction of the Project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. However, the nearest sensitive receptors are residential units 0.75 miles to the west of the Project site and are not expected to be exposed to noise increases generated by construction activities due to their distance from the site. No outdoor sound amplification will be used. The Project would be expected to comply or be consistent with all applicable requirements for short-term (construction) impacts, set forth by the County.

During operation of the Project, noise associated with employee arrival and departure from the site and delivery vehicle trips would be the primary source of noise. However, transformers, inverters, and motors also have the potential to increase ambient noise. This change in noise level at sensitive receptors located 0.75 miles west of the site would be well below the Fresno County threshold of a 5 dB(A) increase.

Glare

A Glare Analysis was prepared for the proposed Project using the Sandia National Laboratories (Sandia) Solar Glare Hazard Analysis Tool (SGHAT). There is very little potential for glint and glare from the proposed PV modules because of the dark color and

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

low reflectivity of the PV panels. Glare could occur for a few days at sunrise in late March and mid-September at nearby residential units (0.75 miles west of the Project site); however, the glare would have a "low potential for temporary after-image" for residents.

Dust

Construction work would potentially generate pollutant emissions such as fugitive dust from short-term construction activities. With the incorporation of the SJVAPCD dust control rules, the Project impacts would be below the thresholds of significance for individual pollutants.

Once constructed, there are not expected to be any substantial long-term operational emissions as the site would be operated by up to eight FTE employees. While there would be occasional maintenance events and employees arriving and departing from the Project site, these would only be as needed, and infrequent enough that the emissions would be negligible.

Odor

Diesel and gasoline engines would be the only source of potential objectionable odors generated by the Project; however, such odors but would be limited to the short-term construction duration of the Project. Once operational, the Project would not be a source of odors.

2.6 Fire Control

The Project site would be served by the Fresno County Fire Protection District (District) through Mendota Station 96 (Battalion 15), located at 101 McCabe Avenue, in Mendota, approximately 3 miles northeast of the Project site. The Project applicant would prepare a fire prevention plan and submit the document to the County for review and approval by the Fresno County Fire Protection District.

2.7 Solid and Liquid Non-Hazardous Waste

Solid Waste

During construction, waste is expected to be nominal and consist primarily of cardboard, wood pallets, copper wire, scrap metal, common trash, and wood wire spools.

During operation, the O&M work would produce a small amount of solid waste including: broken and rusted metal, defective, or malfunctioning equipment, electrical materials, empty containers, other miscellaneous solid waste, and typical refuse from the O&M staff.

This nominal solid waste would be stored in the O&M building. The solid waste would be recycled whenever feasible and any non-recycled material would be transported to the American Avenue Landfill for disposal as necessary.

Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and Little Bear Solar 4, LLC

Little Bear Solar Project

Liquid Waste

During construction, the minimal amount of wastewater created would be contained within portable toilet facilities and/or temporary septic system and would be disposed of at an approved site as necessary.

During operation, the proposed Project would be served by an aboveground wastewater storage tank and the contents of the tank would be disposed of at an approved site as necessary.

The amount of wastewater generated by the Project during construction and operation would be nominal compared to the existing inflow that is occurring at the Mendota Waste Water Treatment Plant under existing conditions.

2.8 Hazardous Materials

Workers would be trained to properly identify and handle any hazardous materials onsite during operational activities. Hazardous materials that would be used during operation of the Project may include paints, cleaners, and solvents used for maintenance. All hazardous materials would be managed in accordance with applicable laws and regulations. All hazardous wastes would be maintained at quantities below thresholds requiring a Hazardous Material Management Plan (HMMP) (one 55 gallon drum).

2.9 Fencing

To ensure the safety of the public and the facility, a perimeter chain link fence would be installed and no-trespassing/warning signs would be installed on the perimeter fencing. Access to the Project site would be controlled and gates would be installed at the Project site entrances.

2.10 Lighting

The Project site would have security lighting that would operate during nighttime hours. Operational activities that need to be performed during nighttime hours in the solar fields would utilize temporary lighting which would be directed downward to minimize impacts to neighboring land uses or wildlife in the Project vicinity. Signs and lighting would be placed at the entrances to the Project site during construction. Signs would direct construction workers to the internal circulation system and provide rules such as internal circulation speed limits to reduce hazards. Lighting at the entrances would consist of lamps directed onsite to reduce spillover onto West California Avenue, South Ohio Avenue and San Bernardino Avenue or adjacent properties.

3.0 Project Decommissioning

The Project applicant would sell the renewable energy produced by each Facility through long-term Power Purchase Agreement(s) (PPA). Upon expiration of the PPA term, the Project applicant, may, at its discretion, choose to enter into a subsequent PPA(s), change the

**Little Bear Solar 1, LLC, Little Bear Solar 2, LLC, Little Bear Solar 3, LLC, and
Little Bear Solar 4, LLC**

Little Bear Solar Project

use of energy generating technology on the site, or decommission the Project. If the Project applicant chooses to decommission the Project, the site could then be returned to agricultural uses or converted to other uses in accordance with applicable land use regulations in effect at that time.

EXHIBIT 9

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OCT 28 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Solar Facility Guidelines (Revised by BOS on 5/21/13)

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

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

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

Information on agricultural operation is found in the IS/MND Agricultural and Forestland Resources section, subsection e. According to the NRCS CropScape website, the Project site has been under agricultural production for the past seven years (mostly with winter wheat and some barley crops). Approximately 95 percent of the Project site is currently occupied (as of September 2014) by agricultural crops, which includes 595 acres of Winter Wheat and 0.4 acres of Barley.

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

Information on water sources is found in the IS/MND Hydrology and Water Quality section, subsection b and in the IS/MND Utilities and Service Systems section, subsection d. The Project conducted a groundwater supply evaluation in order to evaluate the available water supply in existing wells located on the North Star site and the water supply requirements for Little Bear during project construction (URS 2015). The estimate of required water for construction of the Project was based on the actual water used during construction of the North Star Solar Project and adjusted for differences in land disturbances between the two projects. Construction activities associated with the Project are anticipated to require a total of approximately 57.44 acre-feet of water for the construction of the Project. Based on the construction schedule for the project, assuming that Little Bear 1 and 2 would be constructed concurrently over an approximately 12-month period and Little Bear 3 and 4 would be

constructed concurrently over a subsequent approximately 12-month period, this equates to an estimated 28.72 acre-feet per year (afy) for a total of two years. Operational water use is estimated at 4 afy once the total project has been completed.

Groundwater level monitoring during the construction of the North Star project demonstrates that following groundwater pumping, the groundwater levels rebound to water levels prior to pumping. Because these pumping rates provide more than adequate water supply for the total water needs of the Project construction (i.e. – the greatest water demand for the life of the project), there appears to be adequate and a sustainable source of water for the Project from groundwater extraction.

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

The proposed Project is not located on land parcels that are under a Williamson Act contract. Information on Williamson Act contracts is found in the IS/MND Agricultural and Forestland Resources section, subsection b. The Title Report or Lot Book Guarantee will be included in the CUP application.

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

Information on soils is found in the IS/MND Geology and Soils section, subsection a-iii. The Project site is located within an area with predominately fine-grained clayey soils with minor inter-bedded sand, which are generally found to be firm. The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) has designated the soils on the Project site as Soil 286, 482 and 475. Soil 286 is known as Tranquility clay, saline-sodic, wet, 0 to 1 percent slopes. Soil 482 is known as Calflax clay loam, saline-sodic, wet, 0 to 1 percent slopes and Soil 475 is known as Posochanet clay loam, saline-sodic, wet, 0 to 1 percent slopes.

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

The Project site is surrounded by agricultural uses, as described in the IS/MND Transportation and Circulation Section, subsection e. The Project site will be developed with a perimeter roadway composed of native compacted soil around each of the Facilities and internal access roadways (20 feet wide or to County standards) within each of the Facilities. This would act as a buffer between the Project and the surrounding

uses, including the solar facility to the north.

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

Noted. This will be included as a condition of approval.

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

The proposed Project is not located on lands under a Williamson Act contract. The proposed Project is consistent with surrounding uses, including a solar project to the north. Due to the quality of the soil onsite and a lack of water, the project site is unproductive.

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

A Pest Management Plan has been developed for the project site.

9. The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.

Noted. This will be included as a condition of approval.

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

Noted.



EXHIBIT 10

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Little Bear Solar 1 LLC, Little Bear Solar 2 LLC, Little Bear Solar 3 LLC, and Little Bear Solar 4 LLC

APPLICATION NOS.: Initial Study Application No. 6962, Unclassified Conditional Use Permit Application No. 3492, Unclassified Conditional Use Permit Application No. 3493, Unclassified Conditional Use Permit Application No. 3494, and Unclassified Conditional Use Permit Application No. 3495

DESCRIPTION: Allow four photovoltaic solar power generation facilities with related improvements including photovoltaic module arrays mounted on fixed-tilt and/or horizontal-tracker racking systems, power conversion stations with inverters and transformers, photovoltaic combining switchgear, overhead and subterranean electrical cables, on-site substations, above-ground water storage tanks, energy storage systems, operations and maintenance buildings, and eight-foot tall chain-link fencing on portions of three contiguous parcels totaling 627.36 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed photovoltaic solar power generation facilities will utilize 115 kV Generation Tie Lines and subterranean communication lines to connect to an existing substation located on a property northerly adjacent to the project site and an existing Pacific Gas & Electric Company (PG&E) substation located approximately two miles west of the project site.

LOCATION: The project site is located on the south side of California Avenue, between the San Bernardino Avenue alignment and the Ohio Avenue alignment, approximately two miles southwest of the nearest city limits of the City of Mendota (Sup. Dist.: 1) (APNos: 019-110-03ST; 019-110-04ST; 019-110-05ST).

I. AESTHETICS

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the development of four photovoltaic solar power generation facilities on portions of three contiguous parcels totaling 627.36 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Unclassified Conditional Use Permit (CUP) Application No. 3492 was filed by Little Bear Solar 1 LLC to allow a photovoltaic solar power generation facility on a 156.38-acre parcel identified as Assessor's Parcel Number (APN) 019-110-04ST. Unclassified CUP Application No. 3493 was filed by Little Bear Solar 2 LLC to allow a photovoltaic solar power generation facility on a 156.38-acre parcel identified as APN 019-110-05ST. Unclassified CUP Application No. 3494 was filed by Little Bear Solar 3 LLC to allow a photovoltaic solar power generation facility on 157.30 acres of land which is the western half of a 314.60-acre parcel identified as APN 019-110-03ST. Unclassified CUP Application No. 3495 was filed by Little Bear Solar 4 LLC to allow a photovoltaic solar power generation facility on 157.30 acres of land which is the eastern half of the 314.60-acre parcel identified as APN 019-110-03ST.

Each of the four proposed photovoltaic solar power generation facilities will utilize photovoltaic (PV) module arrays with a capacity of generating 20 megawatts alternating current (MW-AC). These PV module arrays will convert sunlight into electrical energy which will be delivered to PG&E's existing regional transmission network with voltage transmission equipment and system safety equipment constructed on the subject parcels. Further, the PV module arrays will be mounted on fixed-tilt and/or horizontal-tracker racking systems supported by steel posts driven into the ground. The fixed-tilt racking systems with PV module arrays will have an overall height of approximately 13 feet, and the horizontal-tracker racking systems with PV module arrays will also have an overall height of approximately 13 feet.

Improvements to be constructed and/or installed for each of the four proposed photovoltaic solar power generation facilities include the aforementioned PV module arrays, a 5 MW-AC Power Conversion Station (PCS) with inverters and transformers, photovoltaic combining switchgear (PVCS), overhead and subterranean electrical cables, and eight-foot tall chain-link perimeter fencing topped with barbed wire. Additionally, each of the four proposed photovoltaic solar power generation facilities will also have an onsite substation approximately one half-acre in size that will contain one or more 34.5 kilovolt (kV) to 115 kV step-up transformers, breakers, buswork, protective relaying, meters, Site Control Center (SCC) building, backup power, associated substation equipment, and perimeter fencing.

Each of the four proposed photovoltaic solar power generation facilities may be improved with above-ground water storage tanks, parking and circulation areas, and an approximately 2,000 square-foot operations and maintenance (O&M) building. Further, in lieu of O&M buildings, each of the proposed photovoltaic solar power generation facilities may utilize storage enclosures installed on concrete pads.

Each of the four proposed photovoltaic solar power generation facilities may also be improved with an Energy Storage System (ESS) approximately one acre in size that would provide up to four hours of electrical storage. According to the Operational Statement provided for the subject proposal, the ESS will contribute towards the goal prescribed by California Assembly Bill (AB) 2514 for 1.3 Gigawatts of energy storage by 2022. Further, the ESS can be advantageous for load shifting, demand response, ancillary services, and renewable energy firming.

The proposed photovoltaic solar power generation facilities will utilize 115 kV Generation Tie Lines and subterranean communication lines to connect to an existing substation located on a property northerly adjacent to the project site and an existing Pacific Gas & Electric Company (PG&E) substation identified as "Mendota Substation", which is located approximately two miles west of the project site.

The Little Bear Solar 1 facility and the Little Bear Solar 2 facility will construct a new 115 kV Generation Tie Line from their onsite substations that will connect to an existing substation located on a northerly adjacent property that has been improved with a photovoltaic solar power generation facility identified as "North Star". This Generation Tie Line will cross over West California Ave and existing PG&E electrical distribution lines. The Little Bear Solar 1 facility and the Little Bear Solar 2 facility will utilize the existing "North Star" circuit, transmission poles, and underground communication line from the "North Star" substation to an existing PG&E substation identified as "Mendota Substation", which is located approximately two miles west of the project site. The Little Bear Solar 1 facility and the Little Bear Solar 2 facility will install new underground communication lines to connect into the existing "North Star" underground communication line which will cross County right of way.

The Little Bear Solar 3 facility and the Little Bear Solar 4 facility will interconnect to the existing PG&E substation identified as "Mendota Substation" using a new, second circuit to be installed on most of the existing "North Star" Generation Tie Line transmission poles. The Generation Tie Line and underground communication line for the Little Bear Solar 4 facility will run from its onsite substation to the Little Bear Solar 3 facility onsite substation via an approximately one-mile overhead or underground 115 kV Generation Tie Line.

*The subject parcels, hereafter collectively referred to as "project site", are located in an agricultural area marked by relatively large parcel sizes and few residential land uses. The nearest neighboring dwelling is located approximately one quarter-mile to the northeast of the project site, and ten dwelling units utilized as farm labor housing are located approximately three quarter-miles to the northwest. Additionally, the existing photovoltaic solar power generation facility identified as "North Star" is adjacently located to the north of the project site, and the existing PG&E substation identified as "Mendota Substation" is located approximately two miles to the west. Further, State Route 33 (Derrick Avenue) is located approximately one mile to the east of the project site, the City of Mendota is located approximately two miles to the northeast, and the Mendota Federal Correctional Institution is located approximately one half mile to the east. The project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the project analysis. **Appendix A** shows*

the locations of the viewpoints on the Project site where pictures were taken to show uses on the Project site and on surrounding parcels.

Development of this proposal will be similar to the existing photovoltaic solar power generation facility identified as "North Star", which is adjacently located to the north of the project site. This proposal will result in the construction of improvements that will be visible from neighboring properties and roadways. However, there are no significant visual resources within the Project area that would be blocked by Project construction or the features of the Project once it is constructed. The nearest sensitive receptors to the Project site are motorists travelling along West California Avenue between South Ohio Avenue and San Bernardino Avenue. Motorists traveling along this roadway have existing views of agricultural fields on the Project site (south of West California Avenue) and solar facilities and associated utility infrastructure to the north of the Project site and West California Avenue. As construction occurs on the Project site, motorists who travel often along West California Avenue would notice a change in its visual character as agricultural uses are removed and the land is prepared for installation of the proposed Project; however, this change would be temporary. Once construction is completed and the Project is operational, motorists traveling along West California Avenue would notice that the Project site is similar in visual appearance to the North Star Solar Facility. Considering the proximity of existing facilities such as the North Star Solar Facility and the Mendota Federal Correctional Institution, development of this proposal will have a less than significant impact on the existing visual character and quality of the project site and 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:

This proposal will utilize outdoor security lighting that has the potential of generating new sources of light and glare in the area. However, such impacts will be less than significant considering that the nearest neighboring dwelling is located approximately one quarter-mile to the northeast of the project site, and neighboring improvements are not light-sensitive uses.

Operation and maintenance of the proposal will require up to eight full-time equivalent (FTE) personnel (or personnel hours totaling eight FTE positions) consisting of plant operators and maintenance technicians. Plant operators and maintenance technicians will typically work at the project site from 8:00 a.m. until 5:00 p.m. Monday through Friday, year-round. During periods when non-routine maintenance or major repairs are in progress, plant operators and maintenance technicians may work during nighttime hours when the proposed photovoltaic solar power generation facilities are not generating electricity. Maintenance activities performed during nighttime hours will utilize temporary lighting that has the potential of generating new sources of light and glare in the area. However, such impacts will be less than significant considering that the temporary lighting will be directed downward in order to minimize the generation of light and glare in the area.

With regard to site development, each of the four proposed photovoltaic solar power generation facilities will be constructed during a 10-month construction period. The presence of construction workers and the operation of construction equipment may have the potential of generating new sources of light and glare in the area; however, such impacts will be less than significant considering the temporary presence of such sources.

An issue of public concern regarding the use of photovoltaic (PV) module arrays is the potential for glint and glare effects. Glint (specular reflection) is produced from the reflection of the sun on a reflective surface. Glint is a potential source of viewer distraction from the strong contrasts and intense reflected light from reflective surfaces. Glare is a reflection of the bright sky that is less intense than glint, and is a continuous source of brightness during daylight hours.

PV module arrays are designed to absorb solar energy in order to produce electricity, and the glass used in the construction of PV module arrays has a lower reflectance level than standard glass. As such, there is little potential for glint and glare to be generated from the proposed PV module arrays due to the dark color and low reflectivity of PV module arrays.

*The Applicant prepared a Solar Glare Hazard Analysis Report for this proposal utilizing the Solar Glare Hazard Analysis Tool (SGHAT) developed by Sandia National Laboratories (Sandia) (**Appendix B**). The SGHAT developed by Sandia provides a quantified assessment of: (1) when and where glare will occur throughout the year for a specified solar facility; (2) potential effects on the human eye at locations where glare occurs; and (3) an estimate of the maximum annual energy production. In the case of this proposal, SGHAT modeling was performed for two scenarios: (1) PV module arrays mounted on fixed-tilt racking systems; and (2) PV module arrays mounted on horizontal-tracker racking systems.*

Based on the results of the SGHAT modeling, glare is expected to occur at the farm labor housing located approximately three quarter-miles to the northwest of the project site if the proposed photovoltaic solar power generation facilities are developed with fixed-tilt racking systems. In this scenario, glare would occur for a few days at sunrise in late March and mid-September at the farm labor housing. However, according to the Solar Glare Hazard Analysis Report prepared for this proposal, the glare would have a low potential for temporary after-image for residents at the farm labor housing. As such, the glare generated by the proposal if fixed-tilt racking systems are utilized would be limited to a few days during two months of a year, and would be similar to the glare produced by the existing photovoltaic solar power generation facility identified as "North Star" which is adjacently located to the north of the project site; therefore, potential glint and glare impacts would be less than significant.

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 the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and is an allowed use on land designated Agriculture in the Fresno County General Plan with discretionary approval and adherence to applicable General Plan Policies. The project site is not located on forest land, is classified as Farmland of Statewide Importance on the Fresno County Important Farmland Map (2012), and is not subject to a Williamson Act Contract.

Supplemental project information prepared for this proposal in compliance of 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 and reviewed by various agencies and departments.

As noted in Item No. 1 of the Supplemental Information related to Agricultural History, according to the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), the project site is currently being agriculturally cultivated, and has been agriculturally cultivated for the past seven years. As of 2014, the project site was occupied by 595 acres of winter wheat, 0.4 acre of barley, approximately 16 acres of fallow/idle farmland, and approximately 16 acres of open space land. According to the Fresno County Department of Agriculture, the County had 48,200 acres of harvested wheat and 3,660 acres of harvested barley in 2013. As such, development of this proposal would result in the loss of approximately 1 percent of the total wheat inventory in the County and the loss of 0.01 percent of the total barley inventory in the County.

As noted in Item No. 4 of the Supplemental Information related to Soils, the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) has designated the soils on the project site as Soil 286, 482 and 475. Soil 286 is known as Tranquility clay, saline-sodic, wet, 0 to 1 percent slopes. Soil 482 is known as Ca/flux clay loam, saline-sodic, wet, 0 to 1 percent slopes. Soil 475 is known as

Posochanet clay loam, saline-sodic, wet, 0 to 1 percent slopes.

*With regard to Item No. 6 of the Supplemental Information related to Reclamation Plan, the Applicant has prepared a Closure, Decommissioning, and Reclamation Plan (CDRP) for the decommissioning and deconstruction of this proposal, and for restoration of the project site to pre-development conditions, included as **Appendix C**. The CDRP is to be implemented within six months of termination of the commercial operation of this proposal, abandonment of the project or part of the project, or termination of the project. Further, as part of the CDRP, an engineering cost estimate of reclaiming the project site to its previous agricultural condition was required and has been provided by the Applicant. The site restoration requirements will be included as a Mitigation Measure and be stipulated in a Covenant between the Applicant/Property Owner and the County of Fresno. This Mitigation Measure will also require that prior to issuance of building permits, financial assurances equal to the cost of reclaiming the project site to its previous agricultural condition based on the engineering cost estimate prepared for the proposal, shall be submitted to the County in order to ensure that the reclamation is performed according to the approved CDRP.*

The CDRP prepared for this proposal includes the following activities: demolition of structures (e.g. dismantling and removal of the solar array trackers, buildings, ESS storage); demolition and removal of subterranean improvements (e.g. concrete pads for buildings, concrete supports); disposal of hazardous materials and hazardous waste to appropriate facilities for treatment/disposal or recycling; preparation and submission to Fresno County of a recycling plan for equipment associated with this proposal; backfilling of bored holes with native soils; tilling of soil within the solar array fields; re-grading, re-contouring and re-compacting of the soils in the solar array fields; subsurface soil remediation, if required; and re-contouring of lines and grades to match the natural gradient to the extent practical, and restoring disturbance areas to the extent practical.

The California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) 2012 map was accessed to determine if the project site would be located on soil designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively known as Important Farmland). Development of this proposal will result in the conversion of approximately 630 acres of farmland classified as Farmland of Statewide Importance to a non-agricultural use. However, as there are 411,483 acres of land in Fresno County classified as Farmland of Statewide Importance, the conversion of farmland in this case will equate to 0.15 percent of the current Farmland of Statewide Importance inventory in Fresno County. Further, loss of farmland resulting from this proposal would be temporary in nature and less than significant considering that the proposal will be conditionally limited to 30 years, unless new or amended Conditional Use Permits are granted for the proposed photovoltaic solar power generation facilities. Upon cessation of the proposed use at the end of the project's 30-year life, the project site would be restored to a pre-development condition for farming operations, unless new or amended Conditional Use Permits are granted for the photovoltaic solar power generation facilities.

In order to determine if a loss of Important Farmland is considered a significant

impact, the California Department of Conservation FMMP suggests the use of the Land Evaluation and Site Assessment Model (LESA Model). The California LESA Model is composed of six different factors: two Land Evaluation (LE) factors that are based upon measures of soil resource quality and four Site Assessment (SA) factors that provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon the following range of established scoring thresholds:

- **0 to 39 Points:** Not Considered Significant.
- **40 to 59 Points:** Considered Significant only if LE and SA subscores are each greater than or equal to 20 points.
- **60 to 79 Points:** Considered Significant unless either LE or SA subscore is less than 20 points.
- **80 to 100 Points:** Considered Significant

The LESA Model was used to determine if the loss of Farmland of Statewide Importance due to development of this proposal would result in a significant impact to the inventory of this Important Farmland category in the County. **Table 1: LESA Model Results** shows the results of the LESA Model analysis for the proposed project.

Table 1: LESA Model Results

	Factor Scores	Factor Weight	Weighted Factor Scores
LE Factors			
Land Capability Classification	60.0	0.25	15.0
Storie Index	15.4	0.25	3.9
LE Subtotal		0.50	18.9
SA Factors			
Project Size	100.0	0.15	15.0
Water Resources Availability	65.0	0.15	9.8
Surrounding Agricultural Land	100.0	0.15	15.0
Protected Resource Land	0	0.05	0
SA Subtotal		0.50	39.8
Final LESA Score			58.7

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, California Agricultural Land Evaluation and Site Assessment Model Instruction Manual, completed February 11, 2015.

*The proposed project would score 18.9 and 39.8 points on the LE and SA evaluation portion of the LESA Model, respectively. Based on these subscores, the proposed project would have a final LESA Model score of 58.7 points. As discussed above, a final LESA score between 40 to 59 points is considered significant only if LE or SA sub-scores are greater than or equal to 20 points. As shown above in **Table 1**, the LE evaluation portion of the LESA Model score a total of 18.9 points. Per the threshold standards of the LESA Model, development of the proposed project and the resulting loss of Farmland of Statewide Importance would result in a less than significant impact.*

With regard to impacts on agricultural quality of farmland, solar power generation facilities may create habitat for weed and rodents. Rodents could cause damage to aboveground 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 Fresno County Department of Agriculture (Agricultural Commissioner's Office), 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. As such, a Mitigation Measure will require the Applicant to develop a detailed Pest Management Plan, and have the Pest Management Plan approved by the Fresno County Agricultural Commissioner's Office. Further, prior to occupancy, the Applicant shall enter into an agreement with Fresno County incorporating provisions of the Right-to-Farm Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomforts associated with normal farm activities in the area surrounding the project site.

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 Conservation Easement for the project as a method to protect agricultural land of equal or greater value as the land being converted to the proposed use.

*** Mitigation Measures**

- 1. The project shall adhere to the procedures listed in the Closure, Decommissioning, and Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any permits, the required bond amount, based on engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit) and a Covenant shall be signed between the Property Owner and the County of Fresno and shall run with the land requiring the site to be restored to an agricultural use at the cessation of operation. Any amendments to the Closure, Decommissioning, and Reclamation Plan shall require approval from the Director of Public Works and Planning on the basis of findings that the amended Plan would provide an equivalent or greater level of mitigation for agricultural impacts.*

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

III. AIR QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the San Joaquin Valley Unified Air Pollution Control District (Air District), this proposal is subject to District Rule 9510 (Indirect Source Review) as it meets the applicability threshold within District Rule 9510 (Indirect Source Review) of 9,000 square feet of other land uses. Further, the Air District also requires submittal of an Air Impact Assessment (AIA) Application no later than applying for final discretionary approval, and payment of applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. Further, this proposal may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

*An Air Impact Assessment (AIA) Application (ISR Project No. C-20150173-1) prepared for this proposal by the Applicant was approved by the Air District on December 3, 2015 (**Appendix D**). The Applicant will pay applicable fees to the Air District prior to issuance*

of the first permit. According to the Air District, project specific emissions of criteria pollutants are expected to be mitigated below the Air District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10, and therefore, the project specific criteria pollutant emissions would have no significant adverse impacts on air quality. However, for these measures to be enforceable, the Air District requires that a monitoring and reporting schedule shall be included in the project approval. As such, the project shall adhere to the following Mitigation Measures:

*** Mitigation Measures**

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

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

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located in an agricultural area and has been previously disturbed as said property has been historically utilized for agricultural cultivation. Neighboring properties to the south, east and west have also been previously disturbed as said properties have also been historically utilized for agricultural cultivation. Additionally, an existing photovoltaic solar power generation facility identified as "North Star" is adjacently located to the north of the project site. The proposed photovoltaic solar power generation facilities will utilize 115 kV Generation Tie Lines and subterranean communication lines to connect to an existing substation located on a property northerly adjacent to the project site and an existing Pacific Gas & Electric Company (PG&E) substation located approximately two miles west of the project site.

*A Biological Resources Evaluation (BRE) was prepared for this proposal by LSA Associates, Inc. in February 2015 premised upon literature review, field reconnaissance surveys, and focused biological surveys (**Appendix E**). According to this BRE, wildlife use of the project site is relatively low due to the majority of the land being occupied by agricultural uses. In addition to the absence of natural habitats within the project site, the regular onsite and adjacent farming activities further limit wildlife use. However, several special-status animal species are listed as potentially occurring in the project area. As described in the BRE, review of special-status species included a review of resource agency species lists, taxa-specific literature review, and a query of the California Natural Diversity Database (CNDDDB). Based on this assessment, it was determined that several special-status species have a reasonable likelihood of occurring in the vicinity and may be affected by the proposed project, including: Western mastiff bat (*Eumops perotis californicus*); Western red bat (*Lasiurus blossevillii*); San Joaquin kit fox (*Vulpes macrotis mutica*); Western burrowing owl (*Athene cucularia*); Swainson's hawk (*Buteo swainsoni*); Mountain plover (*Charadrius montanous*); and, California horned lark (*Eremophila alpestris actia*). It should be noted that all of these species have overlapping foraging habitat in the project area.*

*During the field surveys conducted for the BRE, the following species, or signs of said species, were observed on the project site: western burrowing owl (*Athene cucularia*); mourning dove (*Zenaida macroura*); and California horned lark (*Eremophila alpestris actia*).*

Bats

The agricultural fields on the Project site provide potentially suitable foraging habitat for western mastiff bat and the western red bat, both listed as California Species of Concern (CSC). Review of the CNDDDB indicates that there have been two records of each bat species occurring near the Project site. Two records of western mastiff bat were recorded within four miles of the BSA; the closest record occurred in 1911

approximately 3.2 miles northeast of the Project site. Two records of western red bat were recorded near the Project site; the closest record occurred in 1999, approximately 3.2 miles northeast of the Project site. There is no roosting habitat within the Project site and little directly adjacent to the Project site, reducing the possibility of these two species being present in the area. Based on this information, there is a low potential for bats to occur on the Project site.

Foraging Habitat. The Project will remove a maximum of 627.36 acres of existing agricultural land that provides potential foraging habitat for bats; including the Western mastiff bat and Western red bat. The BRE determined that there is approximately 214,000 acres of suitable foraging habitat for bats. Suitable foraging habitat for bats included agricultural fields and water features (e.g., canals). The Project will remove a maximum of 627.36 acres of potential foraging habitat for bats which represents less than 1 percent of the total foraging habitat in the area. Consequently, the loss of foraging habitat for bats associated with Project implementation is considered less than significant.

Roosting Habitat. The Project will not remove any vegetation or structures that could provide suitable bat roosting habitat. Consequently, the project will have no impact to roosting bats.

San Joaquin Kit Fox

A search using CNDDDB indicates that there are 12 records of the SJKF occurring near the Project site. The closest occurrence was recorded in 1947 approximately 3 miles northwest of the Project site. Suitable habitat for San Joaquin Kit Fox (SJKF) is present along the outer border of the agricultural fields on the Project site. Suitable burrows (e.g., underground pipes, culverts, California ground squirrel burrows) were observed onsite during the field surveys occurring from December 2014 to January 2015. Based on this information, there is a low potential for SJKF to occur on the Project site.

Implementation of the Project has the potential to directly impact SJKF and their foraging and denning habitats.

Direct Impacts to SJKF. SJKF could be directly impacted if individuals are present in the Project site during construction. This is considered a potentially significant impact. Implementation of the mitigation measures below would reduce potential direct impacts to SJKF to a less than significant level.

Foraging Habitat. Project implementation would remove a maximum of 627.36 acres of suitable foraging habitat for SJKF. The BRE determined that there is approximately 210,000 acres of suitable foraging habitat for SJKF within 10 miles of the Project site. Suitable foraging habitat for SJKF included all agricultural fields. The Project will remove a maximum 627.36 acres of potential foraging habitat for SJKF; which represents less than 1 percent of the total foraging habitat in the area. Consequently, the loss of foraging habitat for SJKF associated with Project implementation is considered less than significant.

Denning Habitat. Project implementation would remove structures in the Project site (pipes, culverts) that provide potential denning habitat for SJKF. This potential denning habitat is human-made and artificial in nature. Consequently, the loss of this potential denning habitat for SJKF associated with Project implementation is considered less than significant.

Western Burrowing Owl

A western burrowing owl and activities suggesting the presence of this species were observed on the Project site during the five infield surveys that were completed between December 2014 and January 2015. Review of the CNDDDB indicated that there were five occurrence records near the Project site with four records occurring within eight miles of the Project site. The closest record occurred approximately three miles east of the Project site in 1991. The underground culverts and pipes provide suitable burrows for burrowing owl and this species is known to occur within the Project site and adjacent areas. An individual burrowing owl was observed in the southwest corner of the Project site during protocol non-breeding season surveys. In addition, burrowing owl evidence (i.e., whitewash and pellet castings) was observed around the pipes and culverts in and adjacent to the Project site.

Implementation of the Project has the potential to directly impact burrowing owls and impact their breeding/non-breeding habitat.

Direct Impacts to Burrowing Owl. Burrowing Owl could be directly impacted if individuals are utilizing burrows in the Project site at the start of construction. This would be considered a potentially significant impact. Mitigation measures below would be implemented to reduce potential direct impacts to burrowing owl to a less than significant level.

Breeding/Non-Breeding Habitat. Implementation of the proposed Project would remove a maximum of 627.36 acres of occupied breeding/non-breeding habitat for burrowing owl. The Project site is considered occupied because a single burrowing owl was observed in the Project site during protocol surveys that were conducted during the non-breeding season in December 2014/January 2015. The Project site provides low quality breeding/non-breeding habitat for burrowing owl. Although used by a burrowing owl in the winter, the barren fields do not support an abundant prey base, and during the breeding season the crop is too tall to provide suitable foraging habitat. The loss of occupied, breeding/non-breeding habitat for burrowing owl associated with Project implementation is considered a potentially significant impact; however, provision of 6.5 acres of equivalent or higher-quality mitigation land per owl or breeding pair is anticipated to adequately offset this impact, in accordance with CDFW guidance. The mitigation measures below would be implemented to reduce potential impacts to breeding/non-breeding burrowing owl habitat to a less than significant level.

Swainson's Hawk

During infield surveys that were conducted between December 2014 and January 2015 a large stick nest on a utility pole was observed in the center of the Project site. However, during each of the five visits to the site no Swainson's hawks were observed using the nest or foraging on the Project site. The Project site provides suitable foraging habitat and potentially suitable nesting habitat (i.e., utility poles); although Swainson's hawks do not typically nest on utility poles. Swainson's hawk is well documented in the area with 21 CNDDDB records of observation occurring near the Project site. The closest observation occurred approximately 2.5 miles west of the Project site in 2000. In 2014, field surveys conducted for a Project just north of the Project site observed an active Swainson's hawk nest approximately one mile west of the Project site. Based on this information, there is a high potential for this species to forage and low potential to nest within the Project site.

Implementation of the Project has the potential to impact foraging and nesting habitat as well as nesting Swainson's hawk within and adjacent to the Project site.

Foraging Habitat. *The Project will remove a maximum of 627.36 acres of suitable foraging habitat for Swainson's hawk. CDFW generally recommends mitigation for loss of suitable foraging habitat for Swainson's hawk if the subject habitat is within 10 miles of an active nest (CDFW, 1994). A nest is considered active if it has been used in the last five years. An active nest was observed in 2014 approximately 1.02 miles west of the BSA. The CNDDDB includes records for four additional active nests within the 10 miles radius.*

CNDDDB records and additional surveys indicated there have been 37 nesting occurrences for Swainson's hawk within 10 miles of the Project site between 1940 and 2014. Based on an analysis of cropland mapping, and considering the estimated foraging area required for a pair of nesting Swainson's hawks, it was determined there may be insufficient foraging habitat for this many nesting pairs. Consequently, the removal of a maximum of 627.36 acres of foraging habitat would increase this deficit and result in a potentially significant impact. Mitigation measures below would be implemented to reduce the loss of foraging habitat of Swainson's hawk associated with Project implementation to a less than significant level.

To be suitable foraging habitat for Swainson's hawk, lands must support prey populations but not provide so much cover that it inhibits hunting. Grasslands are the natural foraging habitat for Swainson's hawk but this species has also adapted to croplands, with alfalfa being the most suitable. Alfalfa provides good foraging habitat for Swainson's hawk because it supports a sufficient prey base and is mowed regularly; consequently, the vegetation stays low and doesn't inhibit hunting. Other crops (e.g., tomatoes, wheat) provide only moderate habitat; they can support a sufficient prey base and provide good hunting when the vegetation is low, but as these crops grow they provide too much cover and inhibit abilities for Swainson's hawk. It should be noted that for all crops harvest is an important foraging period for Swainson's hawk because the vegetation is removed or lessened, making prey more accessible. The Project site is in winter wheat production which is moderate quality foraging habitat for the reasons noted

above. If mitigation lands are alfalfa (or similar hay crop) or grassland that is better quality foraging habitats for Swainson's hawk, proposing a lower mitigation ratio (such as 0.5:1 instead of 0.75:1) would be justified.

Nesting Habitat. Implementation of the proposed Project would not remove any trees or artificial structures that provide suitable nesting habitat for Swainson's hawk. Consequently, the Project would not impact any Swainson's hawk nesting habitat. No mitigation is required.

Nesting Swainson's Hawk. Implementation of the proposed Project could potentially impact nesting Swainson's hawk if individuals are nesting in the vicinity of the Project when construction begins. This would be a potentially significant impact. Mitigation measures below would be implemented to reduce potential impacts to nesting Swainson's hawk to a less than significant level.

Mountain Plover

Mountain plover were not observed on or adjacent to the Project site during the five infield surveys that were conducted December 2014 through January 2015. Review of the CNDDDB indicates that two occurrences of mountain plover have been recorded near the Project site. The closest record occurred in 2001 approximately six miles southeast of the Project site. The agricultural fields on the Project site provide suitable wintering habitat for the mountain plover; therefore, there is a moderate potential for this species to occur on the Project site.

Implementation of the Project would result in the removal of a maximum of 627.36 acres of suitable wintering habitat for mountain plover. The BRE determined that there is approximately 150,000 acres of suitable wintering habitat for mountain plover within 10 miles of the Project site. Suitable wintering habitat for mountain plover included row crops, fallow fields, etc. but excluded orchards and vineyards. The Project will remove a maximum 627.36 acres of potential wintering habitat for mountain plover; which represents less than one percent of the total wintering habitat in the area. Consequently, impacts would be less than significant to mountain plover due to Project implementation. No mitigation measures would be required.

California Horned Lark

Flocks of California horned lark and potential nesting sites were observed on the Project site during field visits in December 2014 and January 2015. Review of the CNDDDB indicated that one record of this species occurred 12 miles southwest of the Project site in 1992. The agricultural fields on the Project site provide suitable habitat for this species; therefore, based on this information and infield observations the potential for this species to forage on the Project site is high, and the potential to nest on the Project site is moderate.

Implementation of the Project has the potential to impact nesting/foraging habitat and nesting California horned lark within and adjacent to the Project site.

Nesting/Foraging Habitat. The Project will remove a maximum of 627.36 acres of suitable nesting and foraging habitat for California horned lark. The BRE determined that there is approximately 150,000 acres of suitable foraging and nesting habitat for the California horned lark within 10 miles of the Project site. Suitable foraging and nesting habitat for California horned lark included row crops, fallow fields, etc. but excluded orchards and vineyards. The Project will remove a maximum 627.36 acres of potential foraging and nesting habitat for California horned lark, which represents less than one percent of the total habitat in the area. Consequently, the loss of nesting and foraging habitat is considered to be less than significant. No mitigation is required.

Nesting California Horned Lark. The Project could potentially impact nesting California horned lark if individuals are nesting in the vicinity of the Project when construction begins. This is considered a potentially significant impact. With implementation of mitigation measures below, impacts to California horned lark potentially nesting on the Project site would be less than significant.

The Project is occupied by agricultural uses (winter wheat) and ruderal areas (exterior and interior roadways disturbed with little vegetation) both of which are not considered a sensitive natural community identified by local, state, or federal policies and regulations. Riparian habitat is not located on or adjacent to the Project site. Implementation of the Project would therefore not have a substantial adverse effect on riparian habitat or other sensitive natural community; thus, no impacts would occur.

No wetlands or other jurisdictional features were observed in the project area during the field surveys conducted by LSA Associates, Inc.

The following Mitigation Measures have been included in order to reduce possible impacts to special status species to less than significant:

* **Mitigation Measures**

1. A qualified biologist shall conduct pre-construction (i.e., prior to activities such as clearing and grubbing, excavation, or compaction for temporary staging areas or permanent construction sites) surveys for nesting Swainson's Hawk on the project site and within a 0.5 mile buffer of the project site in accordance with the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000). Surveys shall be conducted no more than 14 days in advance of ground-disturbing activity.
2. If pre-construction surveys reveal the presence of an active Swainson's Hawk nest on the project site or within 0.5 mile of the project site, the Applicant's biologist shall consult with CDFW to determine an appropriate no-disturbance buffer to avoid take. After the biologist has determined that all young have become independent of the nest or the nest has been naturally predated, and with confirmation in writing from CDFW, construction activities may take place in the former exclusion zone. If take cannot be avoided, an Incidental Take Permit (ITP) shall be acquired prior to project implementation.

3. *Employee environmental awareness training shall be conducted by a qualified biologist for all construction personnel. This training may be a video presentation. This training shall include instruction for construction workers to recognize Swainson's hawks and their habitat(s). The training shall also include a brief presentation by persons knowledgeable in San Joaquin Kit Fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The program shall include the following: a description of the San Joaquin Kit Fox and its habitat needs; a report of the occurrence of San Joaquin Kit Fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.*
4. *To reduce impacts to Swainson's hawk foraging habitat, mitigation shall be provided via credits purchased at an approved mitigation bank, or conserved through a land conservation easement, deed restriction, or similar method approved by CDFW that will ensure the preservation of foraging habitat. Based on the proximity to an active nest, sufficient credits and/or land shall be purchased to mitigate for the permanent loss of Swainson's hawk foraging habitat on the project site. Loss of foraging habitat includes only the permanent impact area of the project site. Mitigation credits and/or land shall be purchased or conserved at a 0.5:1 ratio. Mitigation lands shall be grasslands, alfalfa, or equivalent, and shall provide equivalent or higher quality foraging habitat for Swainson's hawk than the winter wheat crop previously cultivated on the project site.*
5. *The Applicant shall implement the following measures based on the year 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" as follows:*
 - a. *No more than 30-days before construction, a pre-construction survey shall be conducted by a qualified biologist to locate and identify potential dens, known dens, and natal dens on the project site, and minimize and avoid impacts to such dens in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" and avoid take. If take of San Joaquin Kit Fox is unavoidable, the Applicant shall consult with USFWS and CDFW.*
 - b. *Project-related vehicles shall observe a 20-mile-per-hour speed limit in all project areas, except on county roads and state and federal highways; this is particularly important at night, when San Joaquin Kit Foxes are most active. To the greatest extent practicable, nighttime construction shall be*

minimized and nighttime speed limit shall be 10-miles-per-hour. Off-road traffic outside of designated project areas shall be prohibited.

- c. To prevent inadvertent entrapment of San Joaquin Kit Foxes during the construction of the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. Such holes or trenches shall be inspected by construction personnel at the beginning and end of each day and immediately prior to capping, moving, burying, or any other disturbance. If at any time a trapped or injured San Joaquin Kit Fox is discovered, the procedures under Biological Mitigation Measure Nos. 6(i), 6(k), 6(l), and 6(m) shall be followed.*
- d. San Joaquin Kit Foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for one or more overnight periods shall be thoroughly inspected for San Joaquin Kit Foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin Kit Fox is discovered inside a pipe, then that section of pipe shall not be moved until the United States Fish and Wildlife Service (USFWS) has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.*
- e. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the project site.*
- f. No firearms shall be allowed on the project site, except for on-site security purposes.*
- g. To prevent harassment or mortality of San Joaquin Kit Foxes or destruction of dens by dogs or cats, no pets shall be permitted on the project site.*
- h. The use of rodenticides and herbicides on the project site shall be minimized to the maximum extent possible while still meeting Fresno County's pest control objectives within an actively farmed landscape. Rodenticides described as "second generation anticoagulants" (e.g., brodifacoum, bromadiolone, difenacoum, and difethialone) shall not be used on the project site. All uses of rodenticides shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, and additional project-related restrictions deemed necessary by USFWS and CDFW. If rodent control must be conducted, zinc*

phosphide or other compound or trapping method approved by USFWS and CDFW shall be used to lower risk to San Joaquin Kit Fox.

- i. The Applicant shall appoint a representative who will be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin Kit Fox or who finds a dead, injured, or entrapped fox. This representative shall be identified during the employee education program. The representative's name and telephone number shall be provided to the USFWS.*
- j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., shall be recontoured, if necessary, and revegetated to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with USFWS and CDFW and revegetation experts.*
- k. In the case of trapped San Joaquin Kit Fox, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or USFWS shall be contacted for advice.*
- l. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin Kit Fox shall immediately report the incident to their representative. This representative shall contact CDFW immediately in the case of a dead, injured, or entrapped San Joaquin Kit Fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. State Dispatch will contact the local warden or biologist.*
- m. The Sacramento USFWS Office and CDFW shall be notified in writing within three working days of the accidental death of or injury to a San Joaquin Kit Fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured fox and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6620. The CDFW contact is the CDFW Regional Manager, Central Region, 1234 E. Shaw Ave., Fresno, CA, 93710, (559) 243-4005.*
- n. Habitat permeability for San Joaquin Kit Fox shall be maintained by installing only permeable fences. To enable San Joaquin Kit Foxes and other wildlife to pass through the project site after construction, the perimeter fences shall be raised five (5) to seven (7) inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. Electrified fences shall be prohibited.*
- o. New sightings of San Joaquin Kit Fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a*

topographic map clearly marked with the location where the San Joaquin Kit Fox was observed shall also be provided to USFWS at: Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620 or (916) 414-6600.

- 6. A qualified biologist shall conduct pre-construction (i.e., prior to activities such as clearing and grubbing, excavation, or compaction for temporary staging areas or permanent construction sites) surveys for Burrowing Owls in accordance with the CDFW 2012 "Staff Report on Burrowing Owl Mitigation". Surveys shall be undertaken not more than 14 days prior to ground-disturbing activity to ensure avoidance of Burrowing Owls during construction. The project site shall be resurveyed in the event ground-disturbing activities are completely suspended or delayed for more than 30 days.*
- 7. If construction begins during the burrowing owl nesting season (February 1 through August 31), and pre-construction surveys indicate that burrowing owls are occupying burrows on the project site or immediate vicinity, no-disturbance buffers shall be established as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" or as determined through coordination with CDFW to avoid disturbing the occupied burrows. The buffers shall remain in place until a qualified biologist determines that the young have fledged or the nest has failed; at this time, burrow exclusion and closure measures shall be implemented as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation", including preparation of a burrowing owl exclusion plan for submittal to CDFW for review and approval. After owls have been excluded from occupied burrows and the burrows closed, work may proceed.*
- 8. If construction begins during the burrowing owl non-nesting season (August 31 through February 1), and pre-construction surveys indicate that burrowing owls are occupying burrows on the project site or immediate vicinity, no-disturbance buffers will be established as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" to avoid disturbing the occupied burrows. If the buffers specified in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" are not feasible (i.e., construction cannot proceed with the required buffers in place), burrow exclusion and closure measures shall be implemented as described in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation", including preparation of a burrowing owl exclusion plan for submittal to CDFW for review and approval. After owls have been excluded from occupied burrows and the burrows closed, work may proceed. Alternatively, work may proceed with reduced buffers if approved by CDFW.*
- 9. If pre-construction surveys identify burrowing owl on the project site, to offset the loss of occupied, low quality breeding/non-breeding habitat, 6.5 acres of mitigation credits shall be purchased at an approved mitigation bank or comparable land will be conserved. If possible, the mitigation requirement for burrowing owl shall be included in the purchasing of mitigation credits for Swainson's hawk foraging habitat. Any offsite mitigation would be satisfied via credits purchased at an approved mitigation bank, or conserved through a land*

conservation easement, deed restrictions, or similar method approved by CDFW that will ensure permanent preservation of foraging habitat.

10. *The following measures shall be implemented to reduce impacts to nesting California horned lark on the Project site:*

- a. *If construction begins during the nesting season (February 1 to August 31), a survey for nesting birds shall be conducted within the Project footprint and within a 100-foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction.*
- b. *If nesting birds are found within 100 feet of the Project footprint during the survey, an initial setback of 100 feet from nesting areas shall be established and protected with Environmental Sensitive Area (ESA) fencing. ESA fencing shall be maintained during the nesting season until construction is complete or the young have fledged, as determined by a qualified biologist.*
- c. *A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities considering the 100-foot setback. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work.*
- d. *If the qualified biologist determines that the setback can be reduced, initial construction activities in the vicinity of the nest shall be monitored by a qualified biologist. If the biologist determines nesting is not affected by construction activities with the reduced setback, work can proceed. If it is determined that construction activities are adversely affecting the nesting birds with the reduced setback, all construction within 100 feet of a nest shall be halted until the biologist can establish an appropriate setback.*
- e. *Worker environmental awareness training shall be conducted by a qualified biologist for all construction personnel. The training shall instruct workers about the purpose of ESA fencing and the resources being protected. This training may be a video presentation.*

V. CULTURAL RESOURCES

- A. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or*
- B. *Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or*

- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not designated to be highly or moderately sensitive for archeological resources. Further, a Cultural Resources Study was prepared for this proposal by LSA Associates, Inc. in February 2015 premised upon archival research and field surveys (Appendix F). The Cultural Resources Study prepared for this proposal by LSA Associates, Inc. did not identify any cultural resources on the project site. 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. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.

* **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.*
2. *Paleontological monitoring shall occur under the direction of a qualified paleontologist for all excavations that extend deeper than 15 ft bgs of the Project. The use of pile driving or rotary drilling does not require monitoring. As the on-site sediments are relatively unconsolidated, part of the monitoring shall include spot screening the sediments through 1/8-inch screens to determine whether small fossils are present that would otherwise be missed because of their small size. If small fossils are observed, a sample size to be determined by the consulting paleontologist shall be collected and processed through 1/20-inch screens to collect additional fossil remains that may be present. If no paleontological observed after a period of time, or if the qualified paleontologist*

determines that the sediments below 15 feet are unlikely to contain paleontological remains, recommendations can be made that monitoring be reduced or halted.

Should paleontological resources be encountered during Project subsurface construction activities, all activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If found to be significant, and Project activities cannot avoid paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, salvage excavation/collection, identification, a report, and accessioning the collected fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the monitoring activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the Project applicant for review, and, if paleontological materials are recovered, the report shall also be submitted to a paleontological repository, such as the University of California Museum of Paleontology at Berkeley.

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 area where the project site is located is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides. Construction of the proposed solar power generation facilities will be subject to the Seismic Design Category C Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No significant grading activities are expected from the development of the proposed solar power generation facilities which would result in substantial loss of topsoil. The racking systems and PV module arrays require a moderately flat surface for installation,

which is characteristic of the project site's topography. However, some earthwork such as grading, fill, compaction, and erosion control 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 Closure, Decommissioning, and Reclamation Plan (CDRP) submitted by the Applicant in compliance of the "Solar Facility Guidelines" (Supplemental Information) approved by the Fresno County Board of Supervisors on May 3, 2011 and revised on May 21, 2013, upon decommissioning of the photovoltaic solar power generation facilities, grading of the project site will be conducted as necessary to return the project site to a pre-development surface condition.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any 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 Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas (GHG) emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air

Quality) of this analysis will reduce air quality impacts from the subject proposal to a less than significant level.

*GHG emissions for this proposal can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced from various sources, including the use of on-site construction equipment, delivery of solar panels to the project site, and worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. Construction would include the following activities: site preparation; underground work; system installation; testing; and clean-up/restoration. According to GHG Modeling prepared for this proposal by LSA Associates, Inc. (**Appendix G**), construction of the proposal would generate 3,556 metric tons of CO₂ equivalent emissions during the total construction period.*

Once constructed, there are not expected to be any substantial long-term operational emissions as the proposal would be operated by up to eight full-time equivalent (FTE) employees (or personnel hours totaling eight FTE positions) and the proposal would not otherwise generate operational emissions. While there will be occasional maintenance events, these would only be as needed, and infrequent enough that any GHG emissions would be negligible. According to GHG Modeling prepared for this proposal by LSA Associates, Inc., amortized over a 30-year period, the proposal is estimated to generate approximately 119 metric tons of CO₂ emissions per year over 30 years with regard to construction GHG emissions.

Operation of the proposed photovoltaic solar power generation facilities would reduce overall GHG emissions when compared to other sources of power generation that produce electricity by combusting fossil fuels such as coal. The California Energy Commission (CEC) estimates that about 12 percent of California's retail electric load is currently met with renewable resources. Renewable energy includes wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. The California Renewable Portfolio Standard (RPS) will require the renewable energy portion of the retail electricity portfolio in California to be 33 percent in 2020. The California Air Resources Board (CARB) Climate Change Scoping Plan anticipates that California will have 33 percent of its electricity provided by renewable resources by 2020, and includes the reduction of GHG emissions based on this level.

Based on the above information, the proposal would be consistent with State plans and policies adopted for the purpose of reducing GHG emissions. Thus, impacts from GHG emissions as a result of project implementation would be less than significant.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which identified the following requirements to be included as Project Notes: 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. 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; 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.; 3) If any underground storage tank(s) are discovered during construction activities, the applicant/operator shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.; 4) Records indicate there are two existing agricultural water wells and possibly two monitoring wells on the project site. In an effort to protect groundwater, all abandoned water and monitoring wells (not intended for use or future use) within the project site shall be properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column shall be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oil-contaminated water removed from the well must be handled in accordance with federal, state and local government requirements.

Construction of this proposal would involve the transport of general construction materials (i.e., concrete, wood, metal, etc.) as well as materials necessary to construct the solar PV modules. Most construction waste is expected to be non-hazardous and to consist primarily of cardboard, wood pallets, copper wire, scrap metal, common trash and wood wire spools. Construction equipment used during construction activities could contain various hazardous materials (i.e., hydraulic fluid, fuel, grease, lubricants, solvents, adhesives, paints, etc.); however, these materials must be used in accordance with the manufacturers' specifications and all applicable regulations.

During construction of this proposal, workers may use hazardous materials on-site to conduct daily development activities. Hazardous materials that may be used at the project site during construction include, but are not limited to: mineral oil, diesel fuel, grease, lubricants, solvents, adhesives and paints. However, construction workers would be required to use established construction controls and safety procedures, which would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would also be observed so that any materials released are appropriately contained and remediated as required by applicable local, State, and Federal law.

Once operational, the proposal would have minimal hazardous waste associated with maintenance activities. Anticipated waste generated by the operation of the proposal may include broken and rusted metal, defective, or malfunctioning PV panels, electrical

materials, empty containers and other miscellaneous solid waste including the typical refuse generated by workers. A document with the complete list of materials used at the project site, how the materials will be transported and stored, and the form in which they will be used will be recorded by the Applicant to bolster safety and prevent contamination and worker exposure.

Operation and maintenance of this proposal will require up to eight full-time equivalent (FTE) personnel (or personnel hours totaling up to eight FTE positions) consisting of plant operators and maintenance technicians. During operation of the proposed photovoltaic solar power generation facilities, onsite personnel may use hazardous materials to maintain and repair the improvements associated with the solar facilities. These hazardous materials may include oils or molten salts, hydraulic fluids, coolants, and lubricants that may be hazardous if released during solar facility operations. As such, Best Management Practices (BMPs) for the handling, storing, and disposal of such substances will be used during operational activities at the project site.

Each of the proposed photovoltaic solar power generation facilities may be improved with an Energy Storage System (ESS) approximately one acre in size. The ESS will be comprised of battery storage modules placed in multiple pre-fabricated enclosures or containers near an on-site substation. Hazards associated with the ESS include electrical shock and chemical release associated with batteries. The ESS used on the project site will be designed in compliance with Section 608 of the International Fire Code (IFC) which provides regulations for Stationary Storage Battery Systems.

A typical ESS utilizes either non-recombinant batteries, recombinant batteries, or flow batteries. Non-recombinant batteries include either Flooded Lead Acid Batteries or Flooded Nickel-Cadmium (Ni-Cd) batteries while recombinant batteries include Valve Regulated Lead Acid (VRLA) Batteries or Lithium-Ion Batteries. Depending on the type of batteries used, IFC Section 608 provides standards such as the requirement of safety caps, thermal runaway management, spill control, neutralization, ventilation, signage, seismic protection, and smoke detection, some of which would need to be implemented by the Applicant to reduce hazards. The type(s) of batteries to be used in the four on-site ESS will be determined prior to approval of final project design. Integration of IFC Section 608 standards into the design of the onsite ESS will reduce the risk of exposure to operational personnel and nearby receptors from hazards and hazardous material.

Implementation of established construction controls and safety procedures will reduce the risk of hazardous materials spills and releases during project construction. Implementation of Best Management Practices (BMP) will ensure that hazardous materials used on site during operation will neither be released into the environment nor expose operational personnel to hazardous materials. As such, impacts would be less than significant.

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

FINDING: NO IMPACT:

There are no schools located within one-quarter mile of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The California Department of Toxic Substances Control EnviroStor website was accessed on February 16, 2015 to determine if the Project site or surrounding/nearby land parcels are on a list of hazardous materials sites compiled pursuant to Government Code Section 695962.5. No known corrective action, restoration, or remediation has been planned, is currently taking place, or has been completed on the Project site. In addition, the Project site has not been under investigation for violation of any environmental laws, regulations, or standards, as identified in the review of EnviroStor for the Project site. The Project is not located on a site included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, would not create a significant hazard to the public or the environment.

*Phase I Environmental Site Assessment (ESA) reports were prepared for the proposed project properties by Arcadis U.S., Inc. (Arcadis, 2015a and 2015b), and are located in **Appendix H**. The Phase I ESAs identified no recognized environmental conditions (RECs), controlled recognized environmental conditions, or historical recognized environmental conditions associated with the project. Although no RECs were identified at the project site during the Phase I ESAs, it was determined that a limited Phase II ESA was appropriate due to the agricultural land use and the likelihood that pesticides and/or herbicides had been historically applied. A Phase II ESA was prepared by Arcadis U.S., Inc. (Arcadis, 2015c), and is located in **Appendix I**. The Phase II ESA concluded that none of the soil samples contained elevated levels of historically applied pesticides or herbicides. Six soil samples (out of a total of 24) exceeded the relevant environmental screening level for arsenic related to worker exposure; however, based on a screening health risk assessment utilizing the soil sample data and because workers would be exposed to a mixture of soils throughout the site, the exposure point concentration for arsenic is below the relevant environmental screening level indicating that there is no potential health risk to workers exposed to arsenic in the shallow soil (Arcadis, 2015c). As such, impacts would be less than significant.*

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 or in the vicinity of a public or private use airport.

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

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As construction of this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity will be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements will be included as Project Notes.

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

Based upon the analysis above, this proposal is not expected to violate any water quality standards or waste discharge requirements, and impacts to water quality would be less than significant.

- 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:

*Water for construction of this proposal may be obtained from a combination of the following sources: Westlands Water District (WWD) under a Municipal and Industrial (M&I) Permit; the northerly-adjacent existing photovoltaic solar power generation facility identified as "North Star" (via subterranean pipeline); groundwater (via on-site well); and offsite sources (via water trucks). According to a Water Supply Evaluation prepared for this proposal by URS Corporation (**Appendix J**), construction activities associated with this proposal are anticipated to require a total of approximately 57.44 acre-feet of water. Based on the Applicant's construction schedule for the project, assuming that Little Bear Solar 1 (CUP Application No. 3492) and Little Bear Solar 2 (CUP Application No. 3493) would be constructed concurrently over an approximately 10-month period, and Little Bear Solar 3 (CUP Application No. 3494) and Little Bear Solar 4 (CUP Application No. 3495) would be constructed concurrently over a subsequent approximately 10-month period, this equates to an estimated 28.72 acre-feet per year (afy) for a total of two years.*

According to the Water Supply Evaluation prepared by URS Corporation, groundwater level monitoring during the construction of the northerly-adjacent photovoltaic solar power generation facility identified as "North Star" demonstrates that following groundwater pumping, the groundwater levels rebound to water levels prior to pumping. As the pumping rates of the "North Star" project would provide more than adequate water supply for the total water needs of the subject proposal, there appears to be an adequate and sustainable source of water for the subject proposal from groundwater extraction alone.

According to the California Department of Public Health (CDPH), the Compliance Agreement between Westlands Water District and CDPH allows new non-residential users to receive an Alternative Water Exclusion (i.e., allow the use of bottled water to be provided by Westlands Water District). In order to obtain an Alternative Water Exclusion so that bottled water may be provided to employees at the project site, the Applicant shall satisfy the following requirements, as required by CDPH:

- 1. A written petition requesting an Alternative Water Exclusion under the Compliance Agreement between the Westlands Water District and CDPH.*
- 2. The Applicant must agree to have Westlands Water District provide the bottled water using an approved bottled water provider, and agree to reimburse Westlands Water District for their costs to do so.*
- 3. The Petition must state that only bottled water provided by Westlands Water District will be used for drinking or cooking.*
- 4. Signage must be posted at all sinks or faucets which state that the tap water is non-potable.*

It is noted that the project site is not located in a designated water-short area.

- 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: LESS THAN SIGNIFICANT IMPACT:

No streams or rivers are located within the boundaries of the project site. Grading and disk-and-roll techniques for development of the Project may result in sheet flow over the Project site which would slightly increase stormwater velocities and change drainage patterns on the site during construction activity. Control of erosion during construction may include BMPs such as the use of silt fencing, straw bales and temporary catch basins, inlet filters, and truck tire muck shakers, which would be installed to reduce the adverse effects of erosion and sedimentation. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented during construction. Stormwater generated on the Project site during construction would be controlled in accordance with NPDES Construction General Permit requirements.

For operations, water sheeting off the solar PV modules from rain events has the potential to lead to some measure of soil erosion under certain ground conditions. Grading and fill activities would result in sheet flow over the entire Project site, which could affect stormwater velocities and drainage patterns on the Project site. On-site contouring and compaction may subsequently result in localized erosion. Any changes to existing drainage patterns would be made in accordance with County and California State requirements. The proposed Project would include development of detention ponds between Little Bear 1 and 2 and Little Bear 3 and 4 and along the east side of the Project site which would retain water on-site in accordance with County requirements.

As such, the Project would not substantially alter the existing drainage pattern of the site or area, or result in substantial erosion or siltation on- or off-site, and impacts would be less than significant.

- 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:

Development of the proposed solar power generation facilities may cause changes in absorption rates, drainage patterns, or an increase in the rate and amount of surface run-off due to some earthwork such as grading, fill, compaction, and erosion control that may be required to accommodate the placement of the racking systems and PV module arrays, subterranean conduits, footings, foundations, access roads and drainage features. However, potential run-off, flooding, erosion, and siltation effects are not considered significant because development of the proposed solar power generation facilities will require adherence to mandatory construction practices contained in the

Grading and Drainage Sections of the County Ordinance Code. BMPs would be incorporated during construction at the Project site to reduce increases in stormwater velocities or changes in drainage patterns from increased sheet flow of water across the site. Project development characteristics (namely onsite detention ponds) would also be incorporated for operation of the site to ensure that runoff would not exceed the capacity of existing storm water drainage systems in the area or provide substantial sources of polluted runoff. Impacts would be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No additional water quality impacts were identified in the project analysis. With incorporation of NPDES Construction General Permit requirements and BMPs, impacts would be less than significant.

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

FINDING: NO IMPACT:

No housing is proposed with this project.

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

FINDING: NO IMPACT:

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

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

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

FINDING: NO IMPACT:

project site is not prone to seiche, tsunami or mudflow. According to the County General Plan, the Project site is not located in an area designated as a Dam Failure Flood Inundation Area.¹

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

¹ County of Fresno, Fresno County General Plan Background Report, Chapter 9: Safety, Figure 9-8. October 3, 2000.

This proposal will not physically divide a community. The project site is located approximately two miles southwest of the City of Mendota, which is the closest established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

With regard to Criteria "a", the proposed use will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area. With regard to Criteria "b", loss of farmland resulting from this project would be less than significant considering that the proposal will be conditionally limited to 30 years. Further, upon cessation of the proposed use at the end of the project's 30-year life, the project site will be restored to a pre-development condition for farming operations. With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties. With regard to Criteria "d", the project site is located approximately two miles southwest of the nearest city limits of the City of Mendota, which has the ability to provide an adequate workforce. As such, the proposed use is conditionally compatible with the Agriculture General Plan designation.

Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses, Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations, and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. Further, the "Solar 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, including 50-foot minimum setbacks between solar-related improvements and adjacent properties. In this case, the proposed photovoltaic solar power generation facilities will have eight-foot tall chain-link perimeter fencing topped with barbed wire, 10-foot wide perimeter driveways, and a Condition of Approval will be included requiring the proposed solar panels to have 50-foot minimum setbacks from property lines. Further, as analyzed under Section II (Agricultural and Forestry Resources) of this analysis, conversion of agricultural land to non-agricultural use as a result of this proposal will be less than significant.

The Project site is zoned as Exclusive Agricultural District – 20-acre minimum parcel size (AE-20) under the County Zoning Map and Ordinance. The purpose of the AE-20 zone designation is to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. Land under zone designation AE-20 is limited to primarily agricultural uses and other activities compatible with agricultural uses.² Solar PV facilities may be permitted in any Zoning District in the County through the Unclassified CUP Discretionary application process.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. No such applicable Plans were identified in the project analysis.

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 project analysis. The project 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

² The Ordinance Code of the County of Fresno Chapter 1 General Provisions Sections 80(Evaluation of Environmental Impacts – Exhibit 10 - Page 35

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The closest sensitive receptors to the proposed Project are residential units located on the north side of West California Avenue approximately 0.75 mile to the west. The analysis discussed below provides a conservative modeling approach as defined above in the Project Description.

During construction of the Project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Two types of short-term noise impacts would occur during Project construction. The first type would be from construction crew commutes and the transport of construction equipment and materials to the Project site, which would incrementally increase noise levels on roads leading to the site. The Project could result in a temporary increase in noise levels during the construction phases of the Project; however, the nearest sensitive receptors are residential units 0.75 mile to the west of the Project site and are not expected to be exposed to noise increases generated by construction activities due to their distance from the site. The Project would be expected to comply or be consistent with all applicable requirements for short-term (construction) impacts, set forth by County. Development of the proposed solar power generation facilities must comply 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, thereby minimizing noise impacts to less than significant.

Once operational the proposed Project would include features that could potentially increase existing ambient noise levels in the area, including transformers, inverters, solar array tracker motors, and Energy Storage Systems. The nearest sensitive receptors are 0.75 mile to the west of the Project site, and therefore would be too far from the Project site to be affected by noise level increases associated with Project operation.

Fresno County Department of Public Health, Environmental Health Division, reviewed this proposal and did not identify any potential noise-related impacts.

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

FINDING: NO IMPACT:

The subject parcel is not located in the vicinity of a public airport or private airstrip, and is not impacted by airport noise.

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 proposed Project would require a maximum of 700 workers on site during construction activities. Once operational, the Project would require up to eight FTE employees consisting of plant operators and maintenance technicians. Construction workers and full-time employees would more than likely be drawn from the locally available workforce in Mendota and/or Fresno and would not be relocated to the area requiring development of new housing. 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 (Fire District) which did not identify any concerns with the project. The proposal shall comply with the 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 requirement will be included as a Project Note and will be addressed through the Site Plan Review that will be required as a Condition of Approval.

- 2. Police protection?

FINDING: NO IMPACT:

According to the Fresno County Sheriff's Department, this proposal will have no impact on law enforcement operations.

- 3. Schools; or

4. Parks?

FINDING: NO IMPACT:

This proposal will not result in the need for additional public services related to police, schools or parks. No such impacts were identified in the project analysis.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Little Bear Solar 1 facility (CUP Application No. 3492) and the Little Bear Solar 2 facility (CUP Application No. 3493) will construct a new 115 kV Generation Tie Line from their onsite substations that will connect to an existing substation located on a northerly adjacent property that has been improved with a photovoltaic solar power generation facility identified as "North Star". This Generation Tie Line will cross over West California Ave and existing PG&E electrical distribution lines. The Little Bear Solar 1 facility (CUP Application No. 3492) and the Little Bear Solar 2 facility (CUP Application No. 3493) will utilize the existing "North Star" circuit, transmission poles, and underground communication line from the "North Star" substation to an existing PG&E substation identified as "Mendota Substation", which is located approximately two miles west of the project site. The Little Bear Solar 1 facility (CUP Application No. 3492) and the Little Bear Solar 2 facility (CUP Application No. 3493) will install new underground communication lines to connect into the existing "North Star" underground communication line which will cross County right of way.

The Little Bear Solar 3 facility (CUP Application No. 3494) and the Little Bear Solar 4 facility (CUP Application No. 3495) will interconnect to the existing PG&E substation identified as "Mendota Substation" using a new, second circuit to be installed on most of the existing "North Star" Generation Tie Line transmission poles. The Generation Tie Line and underground communication line for the Little Bear Solar 4 facility (CUP Application No. 3495) will run from its onsite substation to the Little Bear Solar 3 facility (CUP Application No. 3494) onsite substation via an approximately one-mile overhead or underground 115 kV Generation Tie Line.

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 project 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:

The Little Bear Solar 1 facility (CUP Application No. 3492) will have access from California Avenue via a proposed 20-foot wide driveway, and the Little Bear Solar 2 facility (CUP Application No. 3493) will also have access from California Avenue via another proposed 20-foot wide driveway. The Little Bear Solar 3 facility (CUP Application No. 3494) will have access from the San Bernardino Avenue alignment via a proposed 20-foot wide driveway, and the Little Bear Solar 4 facility (CUP Application No. 3495) will have access from the Ohio Avenue alignment via a proposed 20-foot wide driveway.

According to traffic data prepared for this proposal by LSA Associates, Inc., development of this proposal will generate up to 912 one-way trips per day (456 round-trips per day) as shown in Table A: Overlapping Construction Phases Trip Generation Summary.

Table A: Overlapping Construction Phases Trip Generation Summary

Individual Phases		Vehicles				Trip Generation	
Phase	Duration (days)	Description	Quantity	Type	PCE	Vehicle ADT	PCE ADT
Phases 1-3 Site Grading, Trenching, and System Installation	50	Staff/Workers ¹	430	Passenger	1	688	688
		Water	16	Large Truck	2.5	32	80
		Miscellaneous	10	Medium Truck	2	20	40
		Dump	2	Large Truck	2.5	4	10
		Flatbed	2	Large Truck	2.5	4	10
		Pick-Up	10	Passenger	1	20	20
		Small Delivery	3	Truck	1.5	6	9
		Large Delivery	11	Large Truck	2.5	22	55
Total						796²	912²
Phase 4-6 Gen-tie Line, Testing, Cleanup, and Restoration	50	Staff/Workers ¹	62	Passenger	1	98	98
		Water	4	Large Truck	2.5	8	20
		Concrete, Dump, Flatbed, Wire	6	Large Truck	2.5	12	30
		Pick-Up/Van	14	Passenger	1	28	28
		Miscellaneous	4	Medium Truck	2	8	16
		Small Delivery	2	Truck	1.5	4	6
		Large Delivery	4	Large Truck	2.5	8	20
Total						166²	218²

Source: LSA Associates, Inc. (April 2015).

Notes: ¹ Staff trips are reduced by 20 percent for carpooling.

² The total ADTs presented include the 8 ADTs generated by the 5 Office staff workers for all phases as indicated above in **Table 7**.

ADT= average daily traffic; PCE = passenger car equivalent. A worker vehicle and pick-up truck/van have a PCE of 1. Water, dump, flatbed, concrete, and wire trucks are assumed to have a PCE of 2.5. Small and large delivery trucks are assumed to have a PCE of 1.5 and 2.5, respectively. Other miscellaneous trucks have a PCE of 2.

Most if not all of the construction vehicle trips would be coming from the City of Fresno via SR 180 to Highway 33 and would continue west on West California Avenue. Based on this distribution the following roadway segments are analyzed in this discussion:

- SR 180: Between City of Fresno line to Highway 33.
- West California Avenue: Between Highway 33 and San Bernardino Avenue

SR 180 between City of Fresno and Highway 33 is designated as a Rural 2-lane Highway by the County.

Construction activities associated with the proposed Project would generate a maximum ADT volume of 912 vehicles, increasing the existing ADT volume of SR-180 to 7,412 as

shown below in Table B: Existing and Existing Plus Construction Roadway LOS Summary.

Table B: Existing and Existing Plus Construction Roadway LOS Summary

Roadway	Segment	Lanes	Existing		Construction	Existing Plus Construction	
			ADT	LOS	ADT	ADT	LOS
SR-180	Between City of Fresno line and SR-33	2	6,500	C	912	7,412	C

Source: LSA Associates, Inc. (April 2015).

Notes: ADT = average daily traffic; LOS = level of service; SR-33 = State Route 33.

Operation and maintenance of this proposal will require up to eight full-time equivalent (FTE) personnel (or personnel hours totaling eight FTE positions) consisting of plant operators and maintenance technicians. Plant operators and maintenance technicians will typically work at the project site from 8:00 a.m. until 5:00 p.m. Monday through Friday, year-round. According to the traffic data prepared for this proposal by LSA Associates, Inc., operation and maintenance of this proposal will generate approximately 16 one-way trips per day (eight round-trips per day) for the life of the proposal.

As such, levels of service on the local roadways are not anticipated to be impacted by this proposal, nor will this proposal conflict with any applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the County. Therefore, impacts would be less than significant. The Design Division of the Fresno County Department of Public Works and Planning reviewed this proposal and expressed no concerns regarding the carrying capacities of the adjacent roadways and did not require a Traffic Impact Study.

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

FINDING: NO IMPACT:

The Project site is three miles to the southwest of the Williams Robert Johnston Municipal Airport, the nearest aviation facility to the Project site. The Project site is not located within the influence area of Williams Robert Johnston Municipal Airport. Implementation of the Project would not change air traffic patterns leaving and arriving at the airport nor would the Project increase airport traffic levels nor would potential glare from the Project require the change of a flight path that would result in substantial safety risks. This proposal will not result in a change in air traffic patterns.

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

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal will have access from California Avenue, the San Bernardino Avenue alignment, and the Ohio Avenue alignment. The Design Division of the Fresno County Department of Public Works and Planning reviewed this proposal and did not identify any concerns with respect to increased traffic hazards or emergency access.

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, any access gates shall be set back a minimum of 20 feet from the road right-of-way line in order to preclude a truck from extending into the right-of-way if temporarily stopped to open an access gate. Additionally, a ten-foot-by-ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing California Avenue, the San Bernardino Avenue alignment, or the Ohio Avenue alignment. These requirements will be included as Project Notes.

- 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:

This proposal will not conflict with any adopted alternative transportation plans. No such impacts were identified in the project analysis.

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: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils. A maximum of 700 construction workers would be on the site during Project development. Wastewater generated by construction workers is anticipated to be contained within onsite portable toilet facilities which would be disposed of at an approved offsite facility.

The Project would require up to eight FTE staff onsite Monday through Friday during normal business hours once operational. Wastewater generated by onsite employees would be collected in an aboveground wastewater storage tank and stored onsite until dumping is required. Wastewater generated by operational personnel would be transported from the onsite wastewater storage tank and disposed of at an approved offsite facility. Impacts would be less than significant.

- 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 Hydrology and Water Quality

- 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:

The Project would not generate a significant amount of solid waste during construction and operation. The Project would comply with all applicable federal, state, and local requirements for integrated waste management and solid waste disposal, including the 1989 California Integrated Waste Management Act (AB 939) and the California Solid Waste Reuse and Recycling Access Act of 1991, as amended. Once operational, this proposal will require up to eight full-time equivalent (FTE) personnel (or personnel hours totaling eight FTE positions) for daily activities. Considering the number of employees to be present at the project site on a regular basis, this proposal will not have a significant impact on area landfills. Further, as analyzed under Section VIII (Hazards and Hazardous Materials) of this analysis, all hazardous waste shall be handled in accordance with 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 WITH MITIGATION INCORPORATED:

This proposal may impact sensitive biological, cultural resources, paleontological resources and/or human remains.

As discussed above, the proposed Project has the potential to impact the following species through direct impacts and reduction of their habitat: San Joaquin kit fox; Western burrowing owl; Swainson's hawk; and California horned lark. It should be noted that implementation of the proposed Project would not impact special status fish species or their habitat nor would the Project impact plant communities. Project implementation would not impact known cultural or paleontological resources in the area. The potential does exist that undiscovered/unrecorded cultural/paleontological resources may be discovered during Project construction activities.

Included Mitigation Measures in Section IV (Biological Resources) and Section V (Cultural Resources) will minimize such impacts to less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal will adhere to permitting requirements and rules and regulations, including those set forth by the Fresno County Grading and Drainage Ordinance, Fresno County Zoning Ordinance, San Joaquin Valley Unified Air Pollution Control District, and the California Code of Regulations Fire Code. All environmental impacts that could occur as a result of the Project would be reduced to a less-than-significant level with implementation of the mitigation measures and BMPs recommended throughout this document. No cumulatively considerable impacts were identified in the project analysis other than Agricultural and Forestry Resources, Air Quality, Biological Resources, and Cultural Resources, which will be addressed with the Mitigation Measures discussed in Section II (Agricultural and Forestry Resources), Section III (Air Quality), Section IV (Biological Resources), and Section V (Cultural Resources).

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

FINDING: NO IMPACT:

This document has analyzed the environmental effects on various topics that may have the potential to directly or indirectly impact human beings. Such topics that have been discussed in this document that could potentially impact people include: aesthetic resources; agricultural resources; air quality emissions; greenhouse gas emissions; geology and soils; hazards and hazardous materials; land use and planning; noise; population and housing; public services; recreation; transportation and traffic; and, utilities and service systems. Where required to reduce impacts, mitigation measures, BMPs, compliance with County regulations, and Project design features have been presented and will be implemented as part of the proposed Project. No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3492, Unclassified Conditional Use Permit Application No. 3493, Unclassified Conditional Use Permit Application No. 3494, and Unclassified Conditional Use Permit Application No. 3495, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to mineral resources, population and housing, or recreation.

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

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

DC:

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EXHIBIT 11

ADAMS BROADWELL JOSEPH & CARDOZO

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June 17, 2015

Via Email and U.S. Mail

Mr. Alan Weaver
Director of Public Works and Planning
Fresno County
2220 Tulare Street, 6th Floor
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Ms. Bernice E. Seidel
Clerk to the Board of Supervisors
Fresno County
2281 Tulare Street, Room 301
Fresno, CA 93721-2198
Email: Clerk/BOS@co.fresno.ca.us

Via Email Only

Mr. Derek Chambers
Email: dchambers@co.fresno.ca.us

Re: Public Records Act Request – Little Bear Solar Project (CUP's 3492, 3493, 3494, and 3495)

Dear Mr. Weaver, Ms. Seidel, and Mr. Chambers:

We are writing on behalf of California Unions for Reliable Energy (“CURE”) to request a copy of any and all records related to the Little Bear Solar Project (“Project”) being proposed by First Solar, LLC. This request includes, but is not limited to, any and all materials, correspondence, resolutions, memos, notes, analysis, electronic mail messages, files, maps, charts, and/or any other documents related to the Project.

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) This request is also made pursuant to Article I, 3327-002cv

June 17, 2015

Page 2

section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

We will pay for any direct costs of duplication associated with filling this request up to \$200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials.

Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments.

My contact information is:

U.S. Mail

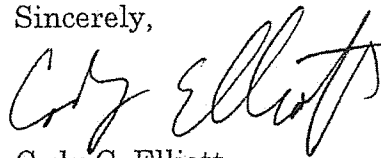
Cody Elliott
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

celliott@adamsbroadwell.com

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

Sincerely,



Cody C. Elliott
Legal Assistant

CCE:clv

3327-002cv

ADAMS BROADWELL JOSEPH & CARDOZO

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June 17, 2015

Via Email and U.S. Mail

Mr. Alan Weaver
Director of Public Works and Planning
Fresno County
2220 Tulare Street, 6th Floor
Fresno, CA 93721-2198
Email: aweaver@co.fresno.ca.us

Ms. Bernice E. Seidel
Clerk to the Board of Supervisors
Fresno County
2281 Tulare Street, Room 301
Fresno, CA 93721-2198
Email: Clerk/BOS@co.fresno.ca.us

Via Email Only

Mr. Derek Chambers
Email: dchambers@co.fresno.ca.us

Re: Request for Mailed Notice of CEQA Actions and Public Hearings – Little Bear Solar Project (CUP’s 3492, 3493, 3494, and 3495)

Dear Mr. Weaver, Ms. Seidel, and Mr. Chambers:

We are writing on behalf of California Unions for Reliable Energy (“CURE”) to request email and mail notice of any and all hearings and/or actions related to the Little Bear Solar Project (“Project”) being proposed by First Solar, LLC.

These requests are made pursuant to Public Resources Code Sections 21092.2, 21080.4, 21083.9, 21092, 21108 and 21152 and Government Code Section 65092, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

3327-001cv

June 17, 2015

Page 2

Please send the above requested items by email and U.S. Mail to our South San Francisco Office as follows:

U.S. Mail

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

Email

celliot@adamsbroadwell.com

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink that reads "Cody Elliott". The signature is written in a cursive, slightly slanted style.

Cody C. Elliott
Legal Assistant

CCE:clv

3327-001cv

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January 4, 2016

VIA EMAIL AND U.S. MAIL

Mr. Alan Weaver
Director of Public Works and Planning
Fresno County
2220 Tulare Street, 6th Floor
Fresno, CA 93721-2198
Email: aweaver@co.fresno.ca.us

Ms. Bernice E. Seidel
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2281 Tulare Street, Room 301
Fresno, CA 93721-2198
Email: clerk/bos@co.fresno.ca.us

VIA EMAIL ONLY

Mr. Derek Chambers
Email: dchambers@co.fresno.ca.us

Re: Request for Documents Referenced in Initial Study/Mitigated
Negative Declaration for the Little Bear Solar Project (CUP's
3492, 3493, 3494, and 3495)

Dear Mr. Weaver, Ms. Seidel, and Mr. Chambers:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to request *immediate access* to any and all records referenced or relied upon in the Initial Study/Mitigated Negative Declaration ("IS/MND") prepared for First Solar LLC's Little Bear Solar Project ("Project"). This request is made pursuant to the California Environmental Quality Act, which requires that all documents

3327-006rc

January 4, 2016

Page 2

referenced in an environmental review document be made available to the public for the entire comment period.¹

Our legal assistant, Cody Elliott, will contact you tomorrow, January 5, to arrange a time to inspect the documents.

Thank you for your assistance with this matter.

Sincerely,



Rachael Koss

REK:ric

¹ Pub. Resources Code, § 21092(b)(1); 14 Cal. Code Regs., § 15072(g)(4).

ADAMS BROADWELL JOSEPH & CARDOZO

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January 4, 2016

VIA EMAIL AND U.S. MAIL

Mr. Alan Weaver
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VIA EMAIL ONLY

Mr. Derek Chambers
Email: dchambers@co.fresno.ca.us

Re: Public Records Act Request – Little Bear Solar Project (CUP's
3492, 3493, 3494, and 3495)

Dear Mr. Weaver, Ms. Seidel, and Mr. Chambers:

We are writing on behalf of California Unions for Reliable Energy (“CURE”) to request *immediate access* to any and all records related to the Little Bear Solar Project (“Project”) being proposed by First Solar, LLC, generated or received by the County since our last request on June 17, 2015. This request includes, but is not limited to, any and all materials, correspondence, resolutions, memos, notes, analysis, electronic mail messages, files, maps, charts, and/or any other documents related to the Project.

3327-005rc

January 4, 2016


Page 2

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

Our legal assistant, Cody Elliott, will contact you tomorrow, January 5, to arrange a time to inspect the documents.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rachael Koss". The signature is written in black ink and is positioned above the printed name.

Rachael Koss

REK:ric

3327-005rc