



Inter Office Memo

DATE: April 14, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12565 - UNCLASSIFIED CONDITIONAL USE PERMIT (CUP) APPLICATION NOS. 3513, 3514 and 3515

APPLICANT: Citizen Solar B LLC (CUP 3513), Citizen Solar E LLC (CUP 3514), and Citizen Solar F LLC (CUP 3515)

OWNER: Sustainable Property Holdings LLC (CUP 3513 and 3514)
Westlands Water District (CUP 3515)

REQUEST: Amend Unclassified Conditional Use Permit No. 3327 in order to create two independent 40-acre photovoltaic solar power generation facilities and an independent 240-acre photovoltaic solar power generation facility from the approximately 320-acre photovoltaic solar power generation facility authorized by Unclassified Conditional Use Permit No. 3327 in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and accept, per Section 15162 of the California Environmental Quality Act, the Mitigated Negative Declaration previously adopted by the Planning Commission for Initial Study No. 6412, and approve Unclassified Conditional Use Permit Application Nos. 3513, 3514 and 3515 with Findings and Conditions.

LOCATION: The project site is located on the west side of the San Bernardino Avenue alignment, between the Whitesbridge Avenue alignment and California Avenue, approximately two miles southwest of the nearest city limits of the City of Mendota (Sup. Dist. 1) (APN 019-050-61ST).

PLANNING COMMISSION ACTION:

At its hearing of April 14, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Egan to accept the Mitigated Negative Declaration previously approved for Initial Study No. 6412, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Nos. 3513, 3514 and 3515, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Unclassified Conditional Use Permit Application Nos. 3513, 3514 and 3515

Staff: The Fresno County Planning Commission considered the Staff Report dated April 14, 2016, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:

- Silverado Power, LLC was the Applicant for CUP No. 3327; however, that company was re-structured as sPower (Sustainable Property Holdings, LLC) following a corporate merger.
- sPower purchased the Citizen Solar B and Citizen Solar E project sites from Westlands Water District; however, sPower is leasing the Citizen Solar F project site from Westlands Water District.
- The proposed amendments to CUP No. 3327 will allow financing to be more easily secured for project development, and will also improve the marketability of electricity to utility companies.
- The Citizen Solar B facility is currently being constructed under the authorization of CUP No. 3327.

Others: No other individuals presented information in support of or in opposition to the application.

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

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**Unclassified Conditional Use Permit Application Nos. 3513, 3514 and 3515
Condition of Approval**

| Condition of Approval | |
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| 1. | All prior Conditions of Approval for Unclassified Conditional Use Permit No. 3327 shall remain in full force and effect, and shall be applied equally and individually to each of the three approved land use permits (Unclassified Conditional Use Permit Nos. 3513, 3514 and 3515) except as modified by the Planning Commission. |

Conditions of Approval reference required Condition for the project.

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**Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 6412 / Unclassified Conditional Use Permit (CUP) No. 3327
(Including Conditions of Approval and Project Notes)**

| Mitigation Measures | | | | | |
|-------------------------|-------------------------------------|--|-------------------------------|--|----------------------------------|
| Mitigation Measure No.* | Impact | Mitigation Measure Language | Implementation Responsibility | Monitoring Responsibility | Time Span |
| *1. | Aesthetics | All lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets or roadways. | Applicant | Applicant/Fresno County Department of Public Works and Planning (PW&P) | Ongoing; until the project lasts |
| *2. | Agricultural and Forestry Resources | The project shall adhere to the procedures listed in the "Liberty Solar, LLC, Generation Facility, Fresno County Solar Facility Guidelines Report" dated June 2011 prepared for the operation including requirements for financial estimates, bonding and facility removal when operations cease. 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 Applicant/property owner and the County of Fresno and shall run with the land requiring the site to be restored to agricultural uses at the cessation of photovoltaic (PV) solar facility operation. | Applicant | PW&P | Ongoing; until the project lasts |
| *3. | Agricultural and Forestry Resources | Prior to the issuance of any permits, a Pest Management Plan shall be submitted to the Department of Public Works and Planning and approved by the Fresno County Agricultural Commissioner's Office. The Pest Management Plan shall identify methods and frequency to manage weeds, insects, and disease and vertebrate pests that may impact adjacent properties. | Applicant | PW&P/ACO | Ongoing; until the project lasts |
| *4. | Agricultural and Forestry Resources | The project operator shall utilize pest control professionals to keep the project site free of rodents at all times. | Applicant | Applicant/PW&P/ACO | Ongoing; until the project lasts |
| *5. | Agricultural and Forestry Resources | The project operator shall at all times keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard. | Applicant | Applicant/PW&P/ACO | Ongoing; until the project lasts |

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| *6. | Air Quality | All off-road diesel powered construction equipment over 100 horsepower shall meet Tier 2 or higher off-road emissions standards. | Applicant | Applicant/PW&P/ San Joaquin Valley Air Pollution Control District (SJVAPCD) | Until the construction lasts |
| *7. | Air Quality | During construction, the off-road equipment, vehicles, and trucks shall not idle more than five minutes in any one-hour. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *8. | Air Quality | During construction, the off-road equipment shall be properly maintained, according to the equipment's specifications, including but not limited to properly inflated tires and wheel alignment. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *9. | Air Quality | The off-road construction equipment drivers shall have proper training in the efficient operation of the equipment, taking into accounts ways to reduce the hours of operation of the equipment and/or operate the equipment at a lower load factor. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *10. | Air Quality | During construction, there shall be carpools, vanpools and/or shuttles provided for the construction employees. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *11. | Air Quality | A monitoring and reporting schedule shall be prepared for Measures 6 through 10 and be reviewed and accepted by the Air District prior to the issuance of a Grading Permit for the project by the Fresno County Department of Public Works and Planning. | Applicant | Applicant/PW&P/ SJVAPCD | As noted |
| *12. | Biological Resources | The Applicant shall have a qualified Ornithologist survey the sites during Hawk nesting season (March 1 – September 15) prior to project construction in accordance with the "Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys" dated 2000. | Applicant | Applicant/California Department of Fish and Game (CDFG) | As noted |
| *13. | Biological Resources | The applicant shall avoid construction activities within 0.5 mile of active Swainson's hawk nests. If nesting Swainson's hawks are detected within 0.5 mile of the project site, all construction activities within 0.5 mile of the nest shall be delayed and the California Department of Fish and Game (DFG) shall be contacted immediately to determine how to implement the project and avoid Take. If take cannot be avoided, acquisition of an Incidental Take Permit will be required to avoid a violation of California Endangered Species Act (CESA) | Applicant | Applicant/CDFG | As noted |
| *14. | Biological | If active Swainson's hawk nests are located within 10 miles of | Applicant | Applicant/CDFG | As noted |

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| | Resources | <p>the project sites, foraging habitat mitigation is required. The applicant shall mitigate for loss of foraging habitat as described in the Department's "Staff Report regarding Mitigation Measure for Impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California (1994 Staff Report). Mitigation shall be subject to DFG approval.</p> | | |
| *15. | Biological Resources | <p>The applicant shall avoid burrowing owl (Athene cucularia) burrows by a minimum of 250 feet in the nesting season and 160 feet in the non-nesting season. To avoid impacts on burrowing owl, the following guidelines, adapted from the California Department of Fish and Game (DFG) Staff Report on Burrowing Owl Mitigation (DFG, 2012), will be implemented:</p> <ul style="list-style-type: none"> a. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) will conduct a preconstruction survey to locate any breeding or wintering burrowing owls no more than 30 days before the onset of construction any ground-disturbing activities. The project sites shall be resurveyed to locate any breeding or wintering burrowing owls in the event ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey. b. If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of photovoltaic panels or ancillary facilities, will be permitted within 250 feet of an active burrow during the breeding season (February 1–August 31) unless otherwise authorized by DFG. Occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by DFG verifies through noninvasive methods that either (1) the birds have not begun egg-laying and incubation, or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. c. During the nonbreeding (winter) season (September 1–January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls shall be relocated from winter burrows following passive relocation protocols in DFG's 2012 Staff Report on Burrowing Owl | Applicant | Applicant/CDFG |
| | | | As noted | |

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| <p>*16.</p> | <p>Biological Resources</p> | <p>The applicant shall implement the year 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (Standardized Recommendations), found at http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/Documents/kitfox_standard_rec2011.pdf and are as follows:</p> <p>a. Project-related vehicles will observe a 20-mile-per-</p> | <p>Applicant</p> | <p>Applicant/CDFG/ United States Fish and Wildlife Service (USFWS)</p> | <p>As noted</p> |
| <p>Mitigation and shall be approved by DFG. A qualified wildlife biologist will install one-way doors at the entrance to the active burrow and other potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed.</p> | <p>d. Habitat mitigation in the form of permanent protection of foraging habitat shall be required if burrowing owls are found to nest or forage on the project sites. Mitigation shall be consistent with the strategy promulgated in DFG's Staff Report on Burrowing Owl Mitigation and shall be subject to approval by DFG.</p> <ol style="list-style-type: none"> 1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through noninvasive methods that either: (a) the birds have not begun egg-laying and incubation; or (b) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. 2. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be at a location acceptable to the CDFG. 3. If owls must be moved away from the disturbance area, relocation techniques acceptable to CDFG will be used. 4. Mitigation measures for burrowing owls will be developed in conjunction with mitigation measures for Swainson's Hawk. | | | | |

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| | <p>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 will be minimized and nighttime speed limit shall be 10 mph. Off-road traffic outside of designated project areas will be prohibited.</p> <p>b. To prevent inadvertent entrapment of San Joaquin kit foxes during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day by plywood or similar materials or provided with 1 or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured San Joaquin kit fox is discovered, the procedures under numbers 16(h), 16(k), 16(l), and 16(m) shall be followed.</p> <p>c. San Joaquin Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for 1 or more overnight periods will be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside a pipe, then that section of pipe will not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.</p> <p>d. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in securely closed containers and removed at least once a week from the construction site.</p> <p>e. No firearms will be allowed on the site.</p> <p>f. To prevent harassment or mortality of San Joaquin kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the site.</p> <p>g. The use of rodenticides and herbicides in the project areas will be minimized to meet Fresno County's pest control</p> | |
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| | | | <p>objectives within an actively farmed landscape. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, and additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide or other compound(s) approved by U.S. Fish and Wildlife Service shall be used to lower risk to kit fox.</p> <p>h. The applicant will appoint a representative who will be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin kit fox or who finds a dead, injured, or entrapped individual. This representative will be identified during the employee education program. The representative's name and telephone number will be provided to the USFWS.</p> <p>i. An employee education program will be conducted for the project. The program will consist of 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 will 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 ESA; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information will be prepared for distribution to the above-mentioned people and anyone else who may enter the site.</p> <p>j. Upon completion of the projects, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., will be recontoured, if necessary, and revegetated to promote restoration of the area to pre-project conditions. Appropriate methods and plant species used to revegetate such areas will be determined on a site-specific basis in consultation with the US Fish & Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) and revegetation experts.</p> <p>k. In the case of trapped animals, escape ramps or structures will be installed immediately to allow the animal(s)</p> |
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| *17. | Biological | <p>to escape, or the US Fish & Wildlife Service (USFWS) will be contacted for consultation.</p> <p>I. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox will immediately report the incident to their representative. This representative will contact the CDFG immediately in the case of a dead, injured, or entrapped San Joaquin kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.</p> <p>m. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6630. The CDFG contact is Mr. Craig Bailey at 1234 E. Shaw Avenue, Fresno, California 93710, at (559) 243-4014.</p> <p>n. Habitat permeability for San Joaquin kit fox will be maintained by installing only permeable fences. To enable kit foxes and other wildlife to pass through the project site after construction, the perimeter fences shall be raised five (5) to seven (7) inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. The use of electrified fencing is prohibited at the project sites.</p> <p>o. Within 30-days of construction, a pre-construction survey (concurrently with Burrowing owl survey) shall be conducted by a qualified biologist to locate and identify potential dens, known dens and natal dens, on the project site and minimize and avoid impacts to such dens in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" and avoid take. If take of San Joaquin kit fox is unavoidable, the acquisition of a State Incidental Take Permit would be warranted, and permits from the U.S. Fish and Wildlife Service may also be needed.</p> | Applicant | Applicant/CDFG/ | As noted |
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| | Resources | (Thamnophis gigas), the following shall apply: a. Avoid construction activities within 200 feet from the banks of giant garter snake aquatic habitat. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance. b. Twenty-four (24) hours prior to construction activities, the project area shall be surveyed for giant garter snakes. Survey of the project area shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any Incidental Take to the California department of fish and Game. | | | USFWLS | |
| *18. | Biological Resources | The applicant shall report new sightings of kit fox to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location where the kit fox was observed should also be provided to the Service at: Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, CA 95825-1846 (916) 414-6620 or (916)414-6600 | Applicant | | Applicant/CDFG/ USFWLS | As noted |
| *19. | Biological Resources | The applicant shall cap all hollow solar mount poles and fence poles at the time of installation to prevent the entrapment and death of birds. | Applicant | | Applicant/CDFG/ USFWLS | As noted |
| *20. | Cultural Resources | In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. | Applicant | | Applicant/PW&P | As noted |
| Conditions of Approval | | | | | | |
| 1. | Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission. | | | | | |

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| 2. | The life of this land use permit will expire upon expiration of the 25-year initial life of the project. If the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained. |
| 3. | A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning, in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits. The SPR shall be applicable to those portions of the project site(s) to be improved with sub-stations, inverters, perimeter access road, parking, and driveway access, excluding the solar panel fields. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting. |
| 4. | As part of the SPR submittal process, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County acknowledging the presence of surrounding agricultural operations and their related activities. |
| 5. | The reclamation plan shall be revised to provide for an annual increase in costs at 3% or tied to the Consumer Price Index (CPI) or other mechanism acceptable to the Department of Public Works and Planning. |
| 6. | Access to the project site shall be provided to the County through an access easement or other mechanism acceptable to the Department of Public Works and Planning to ensure that legal access to the site is available in the event that reclamation activities must be initiated by the County. |
| 7. | The project shall comply with the information in response to Solar Facility Guidelines attached as Exhibit 8 to the Staff Report, and as approved and/or modified by the Commission. |

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

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

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| 1. | Construction Plans shall be submitted and Building Permits shall be obtained for all improvements on the project site. Construction Plans must be prepared by a licensed Design professional. Building Permits are also required for fences more than six feet in height. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 regarding permits for construction. |
| 2. | Any additional storm water run-off generated by the project cannot be drained across property lines or into County right-of-way, and must be retained on-site, per the County Standards. |
| 3. | An Engineered Grading and Drainage Plan is required to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties. A Grading Permit or Voucher is required for any grading proposed with this application. |
| 4. | An Encroachment Permit is required for all improvements within the County right-of-way prior to commencement of construction and a Site Access Plan is required for all work conducted within the County right-of-way. The Site Access Plan shall include: County right-of-way along S. San Bernardino and W. California Avenues with all required setbacks to all proposed facilities; public/legal access across the County right-of-way and onto the site; driveways and roads located across and on the adjacent side of S. San Bernardino and W. |

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| | California Avenues; property line setback requirements/dimensions; drive approach radiuses; site access/driveway construction method pursuant to County Standards; intended grades and flow patterns within County right-of-way with intended direction of site water shed; and any/all proposed underground utility laterals. |
| 5. | A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing California Avenue or San Bernardino Avenue. |
| 6. | A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of California Avenue and San Bernardino Avenue. |
| 7. | A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of Whitesbridge Avenue and San Bernardino Avenue. |
| 8. | Any existing or proposed entrance gate shall be setback a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. |
| 9. | Any wells that exist or that have been abandoned within the project area, not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the Applicant shall apply for and obtain a Permit(s) to Destroy Water Well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor. Contact the Water Surveillance Program at (559) 445-3350 for more information. |
| 10. | Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure. |
| 11. | Should any underground storage tank(s) be found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information. |
| 12. | Should a water well be drilled, the water well contractor selected by the Applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Any new well drilled shall meet industrial well construction standards. Contact the Water Surveillance Program at (559) 445-3350 for more information. |
| 13. | Prior to occupancy, the Applicant shall complete and submit a Hazardous Materials Business Plan form to the Fresno County Department of Public Health, Environmental Health Division and shall handle all hazardous waste, in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. |
| 14. | The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Department for their review and approval. The Applicant |

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shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy granted to the use.

15. Should an on-site office be proposed on the project site, the operator shall at all times provide an approved water source for plumbing fixtures which is deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division, and the Fresno County Department of Public Works and Planning.

16. Project development should include a plan to control weeds and rodents within the project area to prevent the site from becoming a nuisance to neighboring properties or surrounding agricultural operations. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the property owner/operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.

17. The Applicant shall adhere to the San Joaquin Air Pollution District Rule 9510 (Indirect Source Review); District Regulation VIII – Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials; Rule 4601 (Architectural coatings); Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations) and in compliance of Rule 9510, shall pay applicable Off-Site Mitigation Fees to the San Joaquin Valley Air Pollution District prior to issuance of the first Building Permit for the project by the County Building Permit and Safety Section.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

May 2, 2016

Citizen Solar B LLC/Citizen Solar E LLC/ Citizen Solar F LLC
2180 S. 1300 E #600
Salt Lake City UT 84106

Dear Applicant:

Subject: Resolution No. 12565 – Unclassified Conditional Use Permit Application
Nos. 3513, 3514 and 3515

On April 14, 2016, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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

If you have any questions regarding the information in this letter please contact me at dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure