



## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: June 28, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12723 - INITIAL STUDY APPLICATION NO. 7444 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3611

APPLICANT: ForeFront Power, LLC

OWNER: Connie and Alvaro Singh

REQUEST: Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Avenue, Selma CA) (SUP. DIST. 4) (APN 358-021-74).

### PLANNING COMMISSION ACTION:

At its hearing of June 28, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Eubanks to deny Unclassified Conditional Use Permit Application No. 3611 on the basis that Findings 3 and 4 could not be made; stating Finding 3 could not be made due to unpleasant project aesthetics, proximity to neighboring residential properties, and dust creating an adverse impact on abutting properties and the surrounding neighborhood; and Finding 4 could not be made because the project was incompatible with the surrounding agricultural uses.



EXHIBIT A

Initial Study Application No. 7444  
Unclassified Conditional Use Permit Application No. 3611

Staff: The Fresno County Planning Commission considered the Staff Report dated June 28, 2018, and heard a summary presentation by staff.

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

- ForeFront Power develops solar facilities throughout the United States; the subject proposal is a community solar program.
- Under this program, Forefront looks for subscribers within a 10-mile radius of a proposed solar facility who are committed to purchasing solar power in exchange for a five-percent (5%) credit on their utility bills.
- The solar facility will provide power close to the source of demand by using existing transmission lines to bring solar power into the grid; we have secured a power purchase agreement with Pacific Gas & Electric.
- We picked the site after a careful analysis of the surrounding area; the closest single-family residence is over 50 feet from the proposed facility.
- The project's initial life is 25 years; we will apply for a new Use Permit if the facility remains in operation beyond 25 years.
- The project is passive in nature, generates no significant traffic, and will use a small portion of a land currently planted in vineyard.
- During operation, the site will be accessed through an existing driveway utilized by an on-site single-family residence.
- The soil testing and site assessment identified no on-site hazards, and a Condition of Approval will require dust palliatives for dust control on the property.
- The project is supported by neighboring property owners; we have responded in writing to the two letters of concern received for the project.
- The City of Selma expressed no concerns with the project; the project design includes the City's request for a greater setback from McCall Avenue.

RESOLUTION NO. 12723

- We do not plan to add slats to the proposed chain-link fence around the project site.

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 the application. One email correspondence was presented in opposition to the application stating that the project will impact area aesthetics and will emit dangerous electromagnetic frequencies to the neighborhood and nearby church school.

EJ:ksn

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EXHIBIT "B"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Unclassified Conditional Use Permit Application No. 3611  
Initial Study Application No. 7444

Listed below are the fees collected for the land use applications involved in this Agenda Item:

|  |                          |
|--|--------------------------|
| Unclassified Conditional Use Permit Application: | \$ 9,123.00 <sup>1</sup> |
| Initial Study Application:                       | 5,151.00 <sup>2</sup>    |
| Health Department Review:                        | 992.00 <sup>3</sup>      |
| <u>Ag. Commissioner Review:</u>                  | <u>93.00<sup>4</sup></u> |

**Total Fees Collected** **\$ 15,359.00**

|   |
|---|
| <sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.                                       |
| <sup>2</sup> Review proposal to provide appropriate California Environmental Quality Act (CEQA) analysis and include documentation to prepare a Mitigated Negative Declaration. |
| <sup>3</sup> Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.  |
| <sup>4</sup> Review of proposal by the Agricultural Commissioner's Office to provide comments   |



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 June 28, 2018

**SUBJECT:** Initial Study Application No. 7444 and Unclassified Conditional Use Permit Application No. 3611

Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Avenue, Selma CA) (SUP. DIST. 4) (APN 358-021-74).

**OWNER:** Connie and Alvaro Singh  
**APPLICANT:** ForeFront Power

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7444; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3611 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Elevations
6. Applicant’s Submitted Operational Statement
7. Applicant’s Submitted “Supplemental Information for Solar Facility Guidelines”
8. Summary of Initial Study Application No. 7444
9. Draft Mitigated Negative Declaration
10. Public Correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

| <b>Criteria</b>          | <b>Existing</b>   | <b>Proposed</b>  |
|--------------------------|---|--|
| General Plan Designation | Agriculture in the County-adopted Selma Community Plan  | No change  |
| Zoning                   | AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)   | No change  |
| Parcel Size              | 20.17 acres   | No change  |
| Project Site             | <ul style="list-style-type: none"> <li>• Vineyard</li> <li>• Single-family residence with related improvements</li> </ul> | A 1.65 megawatt photovoltaic solar power generation facility with supportive appurtenance structures on an approximately 9-acre portion of a 20.17- acre parcel  |
| Structural Improvements  | <ul style="list-style-type: none"> <li>• Single-family residence with related improvements</li> </ul>                     | <ul style="list-style-type: none"> <li>• Either fixed- or single-axis photovoltaic ground-mounted tracking panels</li> <li>• Inverter and transformers</li> <li>• Utility poles</li> <li>• Seven-foot-tall chain-link perimeter fencing</li> </ul> |
| Nearest Residence        | 26 feet north of the project site   | No change  |
| Surrounding Development  | Farmlands with sparse single-family residences to the north,  | No change  |

| Criteria             | Existing                                 | Proposed   |
|----------------------|--|--|
|                      | south, east and west of the project site |  |
| Operational Features | N/A                                      | See above "Project Site"<br>Additionally, the proposed facility will: <ul style="list-style-type: none"> <li>• Operate 25 years per the solar lease in accordance with the project Reclamation Plan</li> <li>• Be dismantled at the end of its operational life and the land restored to pre-development conditions</li> </ul> |
| Employees            | N/A                                      | <ul style="list-style-type: none"> <li>• One (to provide for security and maintenance of the facility during its operation).</li> </ul>  |
| Customers            | N/A                                      | N/A  |
| Traffic Trips        | Residential traffic                      | <ul style="list-style-type: none"> <li>• 102 round trips and 14 peak-hour round trips per day during the four-month construction period</li> <li>• Two round trips per day for security and maintenance during operational period</li> </ul>   |
| Lighting             | Residential lighting                     | Hooded motion-activated outdoor security lighting around the project site  |
| Hours of Operation   | N/A                                      | 24 hours per day, 365 days a year  |

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 23, 2018

**PUBLIC NOTICE:**

Notices were sent to 40 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An Unclassified Conditional Use Permit (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:**

The proposed solar power generation facility will be located on a 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Photovoltaic (PV) modules with a capacity of generating 1.65 megawatts alternating current (MW-AC) will convert sunlight into electrical energy. This energy will be delivered to the Pacific Gas and Electric Company’s (PG&E) existing regional transmission network using voltage transmission equipment and system safety equipment constructed on the project site. As part of the proposed gen-tie connection, an elevated 540-foot-long gen-tie line would connect on-site electrical equipment to an existing PG&E power line along the site’s McCall Avenue frontage. Approximately five new utility poles will be added along the length of the gen-tie line.

The project will entail installation of a series of PV module arrays mounted on either fixed-tilt or single-axis tracker racking systems supported by metal frames. These metal frames will either be attached to steel posts driven into the ground, or mounted on skids that will be anchored to the ground utilizing metal screws. The racking systems and PV module arrays will have an overall height of up to nine (9) feet.

*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*

|              | <b>Current Standard:</b>                         | <b>Proposed Operation:</b>   | <b>Is Standard Met (y/n)</b> |
|--------------|--|--|------------------------------|
| Setbacks     | Front: 35 feet<br>Side: 20 feet<br>Rear: 20 feet | Front (McCall Avenue;<br>east property line): 76.6<br>to 77.85 feet<br>Side (north property<br>line): 25.15 to 28 feet<br>Side (south property<br>line): 190 feet<br>Rear (west property<br>line): 25.15 to 27.55 feet | Yes                          |
| Parking      | No requirement                                   | None   | N/A                          |
| Lot Coverage | No requirement                                   | No requirement   | N/A                          |

|                              | <b>Current Standard:</b>   | <b>Proposed Operation:</b>                                       | <b>Is Standard Met (y/n)</b> |
|------------------------------|--|--|------------------------------|
| Separation Between Buildings | Six-foot minimum   | N/A  | N/A                          |
| Wall Requirements            | No requirement   | Seven-foot-tall chain-link perimeter fencing around project site | N/A                          |
| Septic Replacement Area      | 100 percent for existing system  | No change  | Yes                          |
| Water Well Separation        | Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet | No change  | N/A                          |

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the setback requirements of the AE-20 Zone District. Completion of a Site Plan Review is recommended as a Condition of Approval for the project.

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 panels would be set back from the surrounding property lines in excess of the minimum required setbacks from two of the four outer property lines. A 76.6-foot setback is proposed on the eastern boundary, a 190-foot setback is proposed on the southern boundary, and a 25.15-foot setback (minimum) is proposed on the northern and western boundaries of the project site. The “Solar Facility Guidelines” approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012, May 21, 2013 and December 12, 2017 requires measures to create a buffer between proposed solar facilities and adjacent agricultural operations, including a 50-foot setback between proposed solar facility improvements from the edges of the property boundaries to the closest structural improvements or equipment. Typically, County policy for photovoltaic solar facilities require a minimum of 50 feet of setback from surrounding agricultural operations, although exceptions can be considered.

The proposed 1.65-acre solar facility is small in scale and may not affect adjacent farming operations due to a less than 50-foot setback along its northern and western boundaries. The proposed solar field borders with the existing vineyard to the north with no improvements. This vineyard is located on the project site and owned by the property owner who signed a solar lease with the Applicant. As such, the proposed 25.12-foot setback would be acceptable and the impacts would be less than significant. The impacts would also be less than significant on farming operations on the abutting westerly property. From an aerial photo, it appears there is a sufficient distance between the solar field and the orchard to maintain a 50-foot setback. Adherence to a Site Plan Review (SPR), which has been required as a Condition of Approval, will ensure compliance with the setback requirements.

Conditions of the SPR may include, but are not limited to, design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Based on the above information, and with adherence to 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 Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 1 can be made.

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

|                                     |     | <b>Existing Conditions</b>  | <b>Proposed Operation</b>  |
|-------------------------------------|-----|---|--|
| Private Road                        | No  | N/A   | N/A  |
| Public Road Frontage                | Yes | McCall Avenue; Poor condition                                     | No change  |
| Direct Access to Public Road        | Yes | McCall Avenue; Poor condition                                     | No change  |
| Road ADT (Average Daily Traffic)    |     | 3,600   | No change  |
| Road Classification                 |     | Arterial  | No change  |
| Road Width                          |     | 30-foot right-of-way west of section line along property frontage | No change  |
| Road Surface                        |     | Asphalt concrete paved  | No change  |
| Traffic Trips                       |     | Residential traffic   | <ul style="list-style-type: none"> <li>• 102 round trips and 14 peak-hour round trips per day during the four-month construction period</li> <li>• Two round trips per day for security and maintenance during operational period</li> </ul> |
| Traffic Impact Study (TIS) Prepared | No  | N/A   | Not required by Design Division of the Fresno County Department of Public Works and Planning   |

|                            | <b>Existing Conditions</b>    | <b>Proposed Operation</b> |
|----------------------------|-------------------------------|---------------------------|
| Road Improvements Required | McCall Avenue; Poor condition | Not required              |

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations (RMO) Division and Development Engineering Section of the Fresno County Department of Public Works and Planning: The recorded Parcel Map No. 7718, which allowed the subject parcel, relinquished direct vehicular access to McCall Avenue where proposed by this application except for a single 60-foot-wide access strip being the most southerly 60 feet of the parcel. To allow the access point shown on the Site Plan as a temporary access for construction, the Applicant shall file an Encroachment/Improvement Permit application with the RMO Division. This requirement has been included as a Condition of Approval.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as post-construction vehicular traffic associated with the project is below the threshold of 100 daily trips or 10 peak-hour trips, which would require preparation of a Traffic Impact Study (TIS).

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

**Analysis:**

The project site fronts on McCall Avenue which is a County-maintained road with a pavement width of 32.9 feet. The proposed solar facility will gain access from McCall Avenue via a 20-foot-wide all-weather access road (Exhibit 5). This proposed road, to be permitted by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, will provide temporary access to the facility during an approximate four-month construction period and be abandoned within one year upon completion of the construction. During operations, the proposed facility will utilize the existing access to the site the existing residential development on the property currently uses.

Staff acknowledges that vehicular traffic in the area will be increased during the time of construction; however, this increase will be temporary. According to the *Project Construction Trip Generation* document prepared for the project, the project will generate 102 daily round trips and 14 peak-hour round trips during the construction period, which includes mobilization (Phase 1), site improvement and grading (Phase 2), and panel installation and construction (Phase 3). Although the facility will be unmanned and remotely monitored, following construction, one employee will perform regular security and maintenance operation generating two daily round trips.

Based on the above information, and with adherence to the Condition of Approval described above, staff believes that McCall Road 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*

| <b>Surrounding Parcels</b> |             |   |         |                    |
|----------------------------|-------------|---|---------|--------------------|
|                            | Size:       | Use:  | Zoning: | Nearest Residence: |
| North                      | 7.08 acres  | Single-Family Residence                     | AE-20   | 26 feet            |
| South                      | 9.76 acres  | Agricultural and personal storage buildings | AE-20   | None               |
| East                       | 2.3 acres   | Vineyard with a Single-Family Residence     | AE-20   | 253 feet           |
|                            | 30 acres    | Vineyard with a Single-Family Residence     |         | 640 feet           |
| West                       | 64.12 acres |   | AE-20   |                    |

**Reviewing Agency/Department Comments:**

Consolidated Irrigation District (CID): The subject parcel contains a CID canal and farmer lateral pipeline with associated easement. The CID pipeline shall be examined prior to construction and, if determined necessary by CID to support construction vehicle weights, the Applicant shall be required to upgrade the pipeline to CID’s standards at the location of the crossing.

Fresno County Ag Commissioner’s Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.

City of Selma: Landscape and Irrigation plans shall be submitted to the City of Selma for review and approval prior to the issuance of Building Permits.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: Proposed improvement area of 500 square feet or more shall require submittal of Landscape and Irrigation plans per the Governors Drought Executive Order of 2015 and be submitted to the SPR unit for review and approval prior to the issuance of Building Permits.

The aforementioned requirements have been included as Conditions of Approval.

Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. All proposed signs shall be submitted to the Department of Public

Works and Planning permits counter to verify compliance with the Zoning Ordinance. These requirements have been included as Project Notes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be 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 shall be required for any grading proposed with this application. Direct access to McCall Avenue (Arterial) shall be limited to one common point, no new access points shall be allowed without prior approval, and any existing driveway shall be utilized. Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards. If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the driveway onto McCall Avenue. An on-site turnaround area shall be provided so that the vehicles do not back out onto the roadway (McCall Avenue).

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

Fresno County Fire Protection District: The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County. The project shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall file an Air Impact Assessment (AIA) Application prior to applying for the final discretionary approval, and pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. (Note: An Air Impact Assessment (AIA) Application (ISR Project Number C-20180136) was submitted by the Applicant and deemed complete by the Air District on April 2018.)

Other Air District rules that may apply to this proposal include: District Regulation VIII - Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all proposed improvements on the property.

The aforementioned requirements have been included as Project Notes.

Dumna Wo Wah Tribal Government; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians: The Tribes were offered an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. However, no Tribe responded to the offer of consultation (see the following Analysis).

Central Valley Regional Water Quality Control Board; Design, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians: No concerns with the proposal.

### **Analysis:**

The proposed 1.65 megawatt solar power generation facility will be located on a 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Located approximately one quarter-mile north of the City of Selma, the project site has historically been used for agricultural production and is currently planted in vineyards. The surrounding land uses include vineyards and orchard with sparse single-family residences. The nearest single-family residence is approximately 26 feet north of the site.

The improvements included in the project proposal consist of ground-mounted PV solar module arrays and supportive appurtenance structures, perimeter fencing, and interconnection to the PG&E electrical grid. As part of the proposed gen-tie connection, an elevated 540-foot-long gen-tie line would connect on-site electrical equipment to an existing PG&E power line along the site's McCall Avenue frontage. Approximately five new utility poles will be added along the length of the gen-tie line.

The Initial Study prepared for this project identified potential impacts related to aesthetics, agricultural and forestry resources, and biological resources. Regarding aesthetics, all outdoor lighting would be required to be hooded and directed downward so as not to shine upon adjacent roads and properties. Regarding agricultural and forestry resources, the project will comply with a Reclamation Plan and bonding requirements, sign a covenant to restore the land at the cessation of the solar facility operations, and comply with a pest management plan. Regarding biological resources, the project will require a pre-construction site survey for burrowing owls and no ground-disturbances during nesting season without clearance from a biologist.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials and public services have been determined to be less than significant. The project will comply with the Air District Rule 9510 and permitting requirements; require an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; handle hazardous materials/wastes according to the requirements of the California Health and Safety Code (HSC), and submit a Hazardous Materials Business Plan; comply with the current Fire Code and Building Code; and, annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Additionally, as noted in the project analysis for Finding 1, a less than 50-foot setback along northern and western boundaries of the project site would not affect the adjacent farming operations.

The project site is not within any area designated as moderately- or highly-sensitive to archeological finds. Pursuant to AB (Assembly Bill) 52, County staff routed the project to the Dumna Wo Wah Tribal Government; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. Given no Tribe responded to the offer of consultation within 30-days, no additional action was necessary on the County's part. The project will have no impacts on historical, archeological, or paleontological resources.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval, 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 Mitigation Measures and 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*

| <b>Relevant Policies:</b>   | <b>Consistency/Considerations:</b>   |
|---|--|
| <p>Policy LU-A.3 states 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 requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.</p> | <p>With regard to Criteria “a”, the proposed solar facility will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area. With regard to Criteria “b”, the facility will occupy portions of the land classified as Unique Farmland and Farmland of Statewide Importance and will be conditionally limited to 25 years. Further, upon cessation of the proposed use, the site will be restored to a pre-development condition for farming operations. With regard to Criteria “c”, the project is not located in a low-water area and will utilize surface water from Consolidated Irrigation District. With regard to Criteria “d”, the project site is approximately one quarter-mile from City of Selma, which has the ability to provide an adequate workforce. The proposal is consistent with this policy.</p> |
| <p>Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses.</p> <p>Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>  | <p>The proposed facility is temporary in nature. A Reclamation Plan will be implemented to restore the site to agricultural use once the facility operation ceases. Also, as noted in the Solar Facility Guidelines (Exhibit 7), during the life of the project, Weed and Rodent Control Plans will be implemented to reduce weed and rodent impacts to adjacent farmland.</p> <p>The 9-acre project site will have perimeter fencing for security purposes and to separate the use from farming operations on and adjacent to the project site. Further, the proposed solar power generation facility will have 20-foot-wide perimeter roads, and the proposed solar panels will have 50-foot</p>   |

| Relevant Policies:   | Consistency/Considerations:   |
|--|---|
|  | minimum setbacks from the southern and western project boundaries. Further, adherence to a Site Plan Review (SPR) shall be required as a Condition of Approval to ensure compliance with setback requirements.  |
| 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. | Water needed during the project construction will be provided by Consolidated Irrigation District. The Water and Natural Resources Division expressed no concerns regarding sustainable water supply to the project. The proposal is consistent with this policy. |

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3, states that non-agricultural uses such as electrical power generation facilities may be allowed by means of a discretionary use permit. Policy LU-A.12 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 PF-C.17 requires sustainable water supply for the project.

**Analysis:**

The project meets the intent of Policy LU-A.3 as discussed above in General Plan Consistency/Consideration. Concerning consistency with Policy LU-A.12 and Policy LU-A.13, the proposed solar facility is allowed on land designated for Agriculture, is temporary in nature and will be restored to agricultural use upon cessions of the use; will implement weed and rodent control plan to reduce impact on adjacent farmlands; and, will be secured by seven-foot-tall perimeter fencing to safeguard and separate the use from farming operation on and adjacent to the project site. Concerning consistency with Policy PF-C.17, the project will have no impact on groundwater resources due to the use of surface water from Consolidated Irrigation District for construction.

Portions of the project site are designated as Unique Farmland, and/or Farmland of Statewide Importance. On May 3, 2011 the Fresno County Board of Supervisors took action to require supplemental application information based on the Nine-Point Solar Facilities Guidelines be provided by solar utility applicants as part of their project submittal packages. The Guidelines were amended by the Board on March 13, 2012, May 21, 2013 and December 12, 2017 to include historical information on the agricultural use of the property, crop yield information, the source of water, the soil type, information on improvements and site buffering, the submittal of a Reclamation Plan, pest management information and acknowledgement of the County’s Right-to-Farm Ordinance. The Applicant has provided the required supplemental information (Exhibit 7) and has received review by the County Agricultural Commissioner’s Office as well as other agencies and departments. The County Agricultural Commissioner’s Office expressed no concerns with the proposal. The project will be subject to the Right-to-Farm notice which has been included as a Condition of Approval.

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

## **Recommended Conditions of Approval:**

*None*

## **Conclusion:**

Finding 4 can be made.

## **PUBLIC COMMENT:**

Staff received an email from a concerned neighbor and a letter from a group called Better Neighborhoods. These correspondences indicate that the project is not in line with the best use of the property and will have adverse effects on the environment and the current and future neighborhood. Further, the project will influence aesthetics of the area and the quality of soils for future farming, affect public health due to pesticides in the ground, cause Valley Fever due to fugitive dust, need monitoring of a pest management plan, and be subject to noise issues.

## **CONCLUSION:**

Staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made, based on the factors cited in the analysis and the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3611, 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. 7444; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3611, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3611; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

## **Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

EA:ksn  
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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7444/Unclassified Conditional Use Permit Application No. 3611**  
**(Including Conditions of Approval and Project Notes)**

| <b>Mitigation Measures</b>     |                                     |   |                                      |  |                              |
|--------------------------------|-------------------------------------|---|--------------------------------------|--|------------------------------|
| <b>Mitigation Measure No.*</b> | <b>Impact</b>                       | <b>Mitigation Measure Language</b>  | <b>Implementation Responsibility</b> | <b>Monitoring Responsibility</b>                                       | <b>Time Span</b>             |
| 1.                             | Aesthetics                          | All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.   | Applicant                            | Applicant/Fresno County Department of Public Works and Planning (PW&P) | As long as the project lasts |
| 2.                             | Agricultural and Forestry Resources | The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided). | Applicant                            | Applicant/PW&P   | As long as the project lasts |
| 3.                             | Agricultural and Forestry Resources | 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 as nearly as practical to its original condition at the cessation of the operation of the solar power generation facility.  | Applicant                            | Applicant/PW&P   | As long as the project lasts |
| 4.                             | Agricultural and Forestry Resources | The project shall comply with the Pest Management Plan, prepared by ForeFront Power, LLC and dated January 31, 2018, in order to control weeds and rodents on the property that may impact adjacent properties.   | Applicant                            | Applicant/PW&P/Ag Commissioner's office                                | As long as the project lasts |
| 5.                             | Biological Resources                | A 14-day preconstruction site survey shall be conducted to prevent inadvertent take of burrowing owls. If burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.  | Applicant                            | Applicant/California Department of Fish & Wildlife (CDFW)              | As noted                     |
| 6.                             | Biological Resources                | No ground disturbances shall occur during nesting season (between February and August) without a clearance survey by a qualified biologist to ensure that no nesting birds are impacted.  |                                      | Applicant/CDFW   | As noted                     |

**EXHIBIT 1**

**Conditions of Approval**

|     |  |
|-----|--|
| 1.  | Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission, except as modified by the Commission or Site Plan Review.   |
| 2.  | 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 substations, inverters, perimeter access roads, 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. |
| 3.  | The life of this land use permit will expire upon expiration of the 25-year initial life of the project. If the solar lease is to be extended or the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained.   |
| 4.  | The project shall comply with the information in response to the Solar Facility Guidelines attached as Exhibit 7 to the Staff Report and as approved and/or modified by the 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 Fresno County Department of Public Works and Planning.   |
| 6.  | The subject parcel contains a Consolidated Irrigation District (CID) canal and farmer lateral pipeline and associated easement. The CID pipeline shall be examined prior to construction and, if determined necessary by CID to support construction vehicle weights, the Applicant shall be required to upgrade the pipeline to CID's standards at the location of the crossing.  |
| 7.  | Proposed improvement area of 500 square feet or more requires submittal of Landscape and Irrigation Plans per the Governors Drought Executive Order of 2015 which shall be submitted to the Site Plan Review (SPR) Unit and City of Selma for review and approval prior to the issuance of Building Permits.   |
| 8.  | 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.   |
| 9.  | A dust palliative shall be required for all unpaved parking and circulation areas to prevent the creation of dust by vehicles.   |
| 10. | The Applicant shall obtain an encroachment/improvement permit from the Road Maintenance and Operations Division for temporary access for construction off McCall Avenue at the location shown on the Site Plan (Exhibit 5). This access point will be active for a period of less than one year, until construction is completed.  |

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

## Notes

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

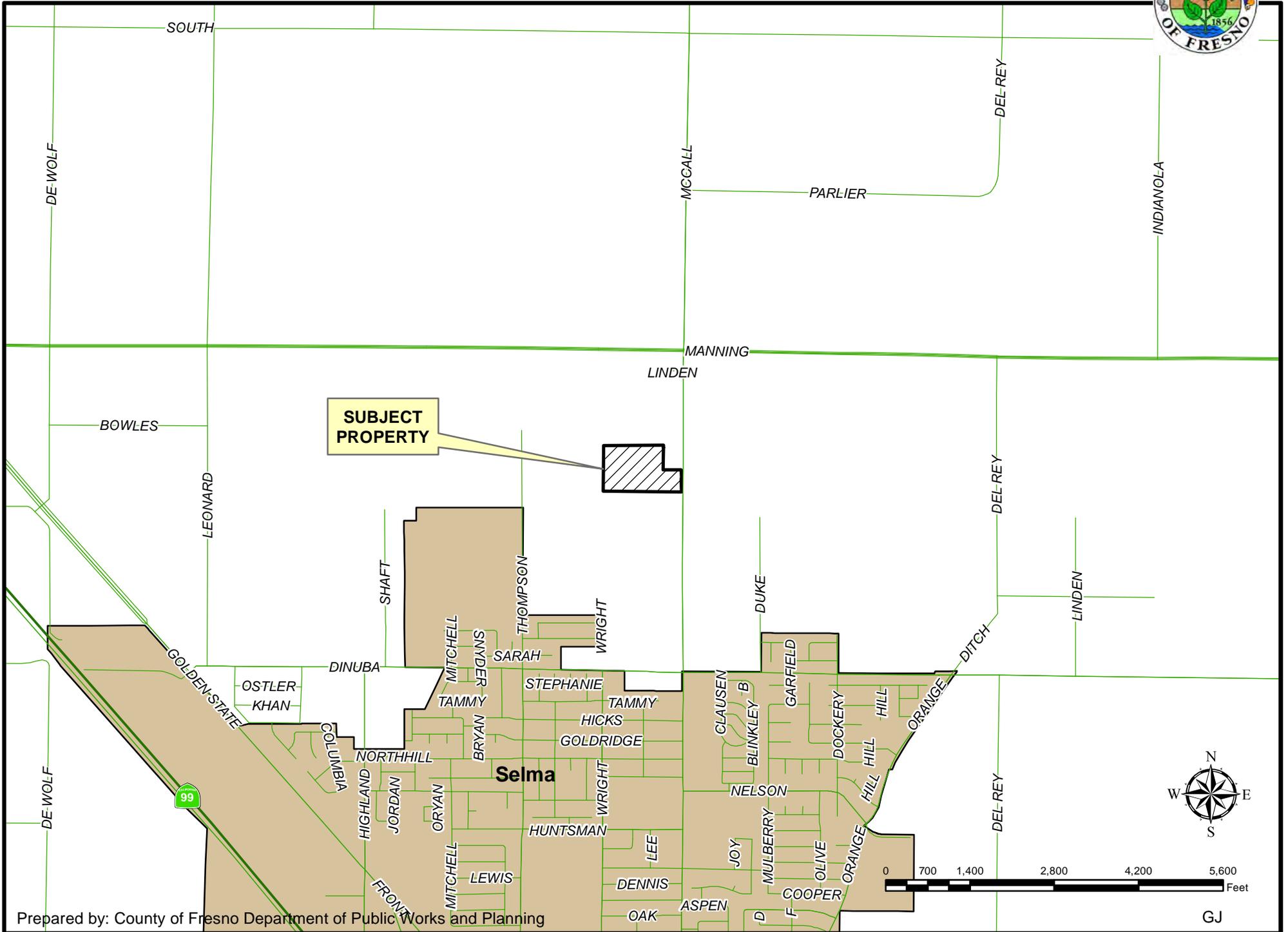
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|----|--|
| 1. | This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.   |
| 2. | Construction Plans shall be submitted and Building Permits and inspections shall be required for all improvements, including solar array installation and fences over six feet in height. Construction Plans shall be prepared by a licensed Design professional. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 regarding permits for construction.  |
| 3. | <p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li></ul>  |
| 4. | <p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"><li>• An Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties.</li><li>• A grading permit or voucher for any grading proposed with this application.</li><li>• Any additional runoff generated by the proposal shall be retained or disposed of per County Standards.</li><li>• Direct access to McCall Avenue (Arterial) shall be limited to one common point and no new access points shall be allowed without prior approval and any existing driveway shall be utilized.</li><li>• If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the driveway onto McCall Avenue.</li><li>• An on-site turnaround area shall be provided so that the vehicles do not back out onto the roadway (McCall Avenue).</li></ul> |
| 5. | <p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires the project to pay applicable off-site Mitigation Fees to the Air District prior to issuance of the first Grading/Building Permit and be subject to the following:</p> <ul style="list-style-type: none"><li>• District Regulation VIII (Fugitive PM10 Prohibitions)</li><li>• Rule 4601 (Architectural Coatings)</li><li>• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)</li><li>• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed</li><li>• Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials</li></ul>   |

| <b>Notes</b> |   |
|--------------|---|
| 6.           | <p>To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.</li> <li>• Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li> <li>• Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</li> <li>• All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> </ul> <p>Note: These requirements will be addressed through Site Plan Review.</p> |
| 7.           | Any future development on the property shall comply with the requirements of the current Fire Code and Building Code and be subject to annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.   |
| 8.           | The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fresno County Fire Protection District prior to issuance of building permits by the County. Further, the property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.  |
| 9.           | If the Generation Tie Line is located within County right(s)-of-way, the Applicant shall enter into a franchise agreement with the County of Fresno for the connection path.  |
| 10.          | Any work performed within the County right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.  |
| 11.          | 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.   |

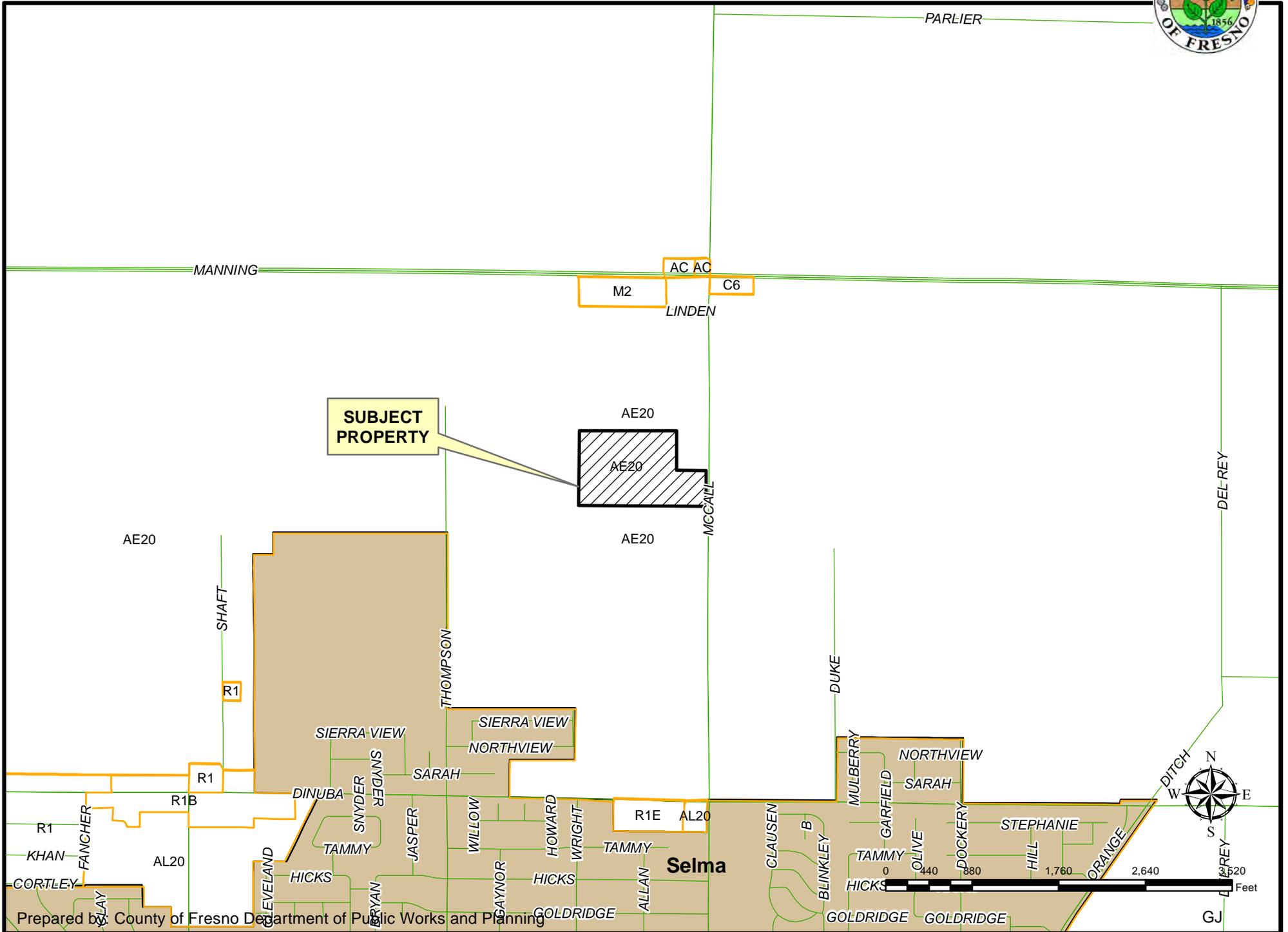
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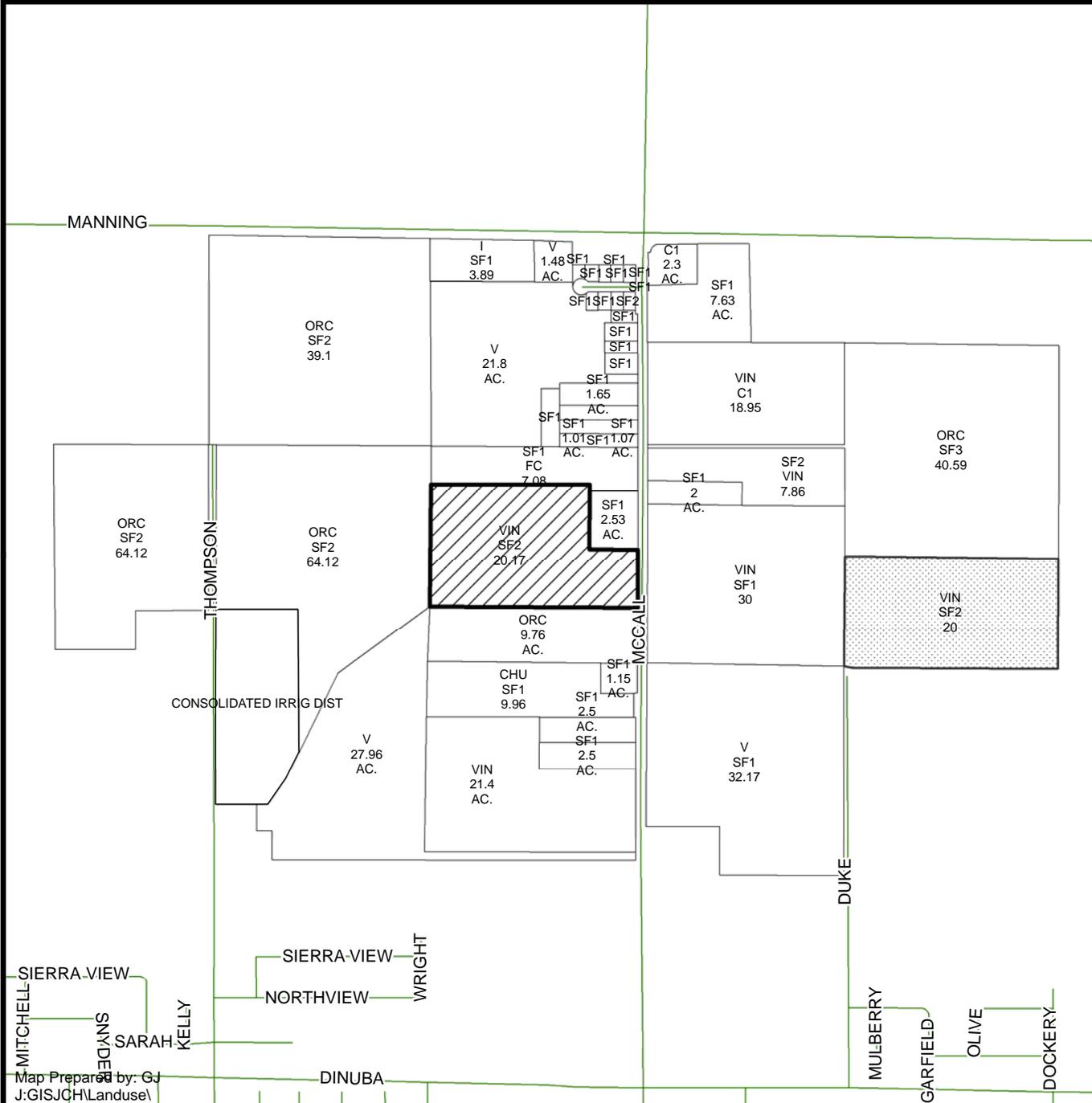
# LOCATION MAP



# EXISTING ZONING MAP



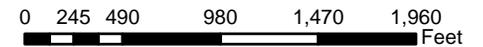
# EXISTING LAND USE MAP



| LEGEND |                           |
|--------|---------------------------|
| FC     | - FIELD CROP              |
| C#     | - COMMERCIAL              |
| CHU    | - CHURCH                  |
| I      | - INDUSTRIAL              |
| ORC    | - ORCHARD                 |
| SF#    | - SINGLE FAMILY RESIDENCE |
| V      | - VACANT                  |
| VIN    | - VINEYARD                |

**LEGEND:**

- Subject Property
- Ag Contract Land



Department of Public Works and Planning  
Development Services Division

Map Prepared by: GJ  
J:GIS\CH\Landuse\



# CA-SB43 MAHAL PV POWER PLANT

9375 MCCALL AVE.  
SELMA, CA 93662

## PROGRESS SUBMITTAL



100 MONTGOMERY ST., #1400  
SAN FRANCISCO, CA 94104  
(415) 776-8246  
www.ForefrontPowerLLC.com



12 Geary Street, Suite 407  
San Francisco, CA 94108  
(415) 894-2559  
www.sagece.com

STAMP:

CA-SB43 MAHAL PV  
POWER PLANT  
FOREFRONT POWER LLC  
9375 MCCALL AVE.  
SELMA, CA 93662

PROJECT NUMBER:  
CA-17-0018 / J0059

SHEET TITLE:  
CIVIL TITLE SHEET

SHEET SIZE:  
ARCH 11" x 17"  
24" x 36" (610 x 914)

THIS DRAWING IS THE PROPERTY OF FOREFRONT POWER, LLC. THIS INFORMATION IS CONFIDENTIAL AND IS TO BE USED ONLY IN CONNECTION WITH WORK DESCRIBED BY FOREFRONT POWER, LLC. NO PART IS TO BE DISCLOSED TO OTHERS WITHOUT WRITTEN PERMISSION FROM FOREFRONT POWER, LLC.

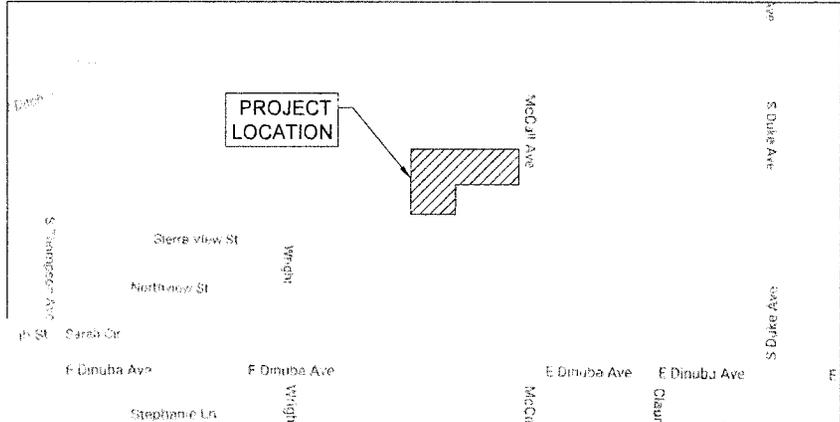
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DRAWN BY: PCS  
ENGINEER: JMH  
APPROVED BY: JS-APR03

PROJECT PHASE:  
PROGRESS SUBMITTAL

SCALE:  
NO SCALE

SHEET NO.:  
C-001

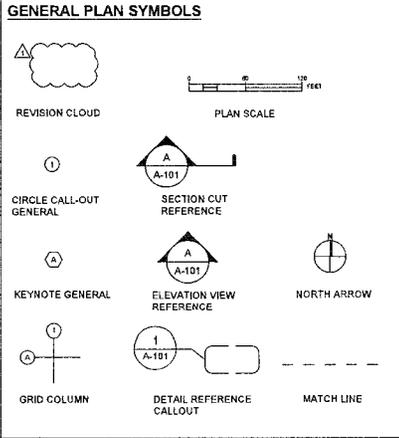


| CIVIL SHEET INDEX |  |
|-------------------|--|
| SHEET NUMBER      | SHEET TITLE                              |
| C-001             | CIVIL TITLE SHEET                        |
| C-002             | EXISTING CONDITIONS                      |
| C-003             | CIVIL NOTES                              |
| C-004             | GRADING EROSION & SEDIMENT CONTROL NOTES |
| C-101             | SITE PLAN                                |
| C-201             | SECTIONS & DETAILS                       |
| C-202             | FENCE & GATE DETAILS                     |
| C-301             | GRADING PLAN                             |
| C-302             | EROSION & SEDIMENT CONTROL PLAN          |

|   |   |  |
|---|---|--|
| <b>PROJECT DEVELOPER</b><br>FOREFRONT POWER LLC<br>30 MONTGOMERY ST., SUITE 1400<br>SAN FRANCISCO, CA 94104<br>(415) 416-6275<br><br>PROJECT DEVELOPER:<br>ETE RODRIGUEZ<br>FOREFRONT POWER, INC.<br>RODRIGUEZ@FOREFRONTPOWER.COM | <b>SITE CONTACT</b><br>TO BE DETERMINED | <b>SCOPE OF WORK</b><br>THIS DESIGN PACKAGE PROVIDES DRAWINGS FOR THE INSTALLATION OF A 2,144.72 KW DC RATED PHOTOVOLTAIC SYSTEM AT 9375 MCCALL AVE. IN SELMA, CA. ENVIRONMENTAL PLANS ARE NOT PART OF THE SCOPE OF THIS PLAN SET. |
|---|---|--|

|   |   |   |
|---|---|---|
| <b>CIVIL ENGINEER</b><br>AGE CONSULTING ENGINEERS, INC.<br>1 GEARY STREET<br>SAN FRANCISCO, CA 94108<br>(415) 890-5250<br><br>LICENSED ENGINEER: KIRSTEN HANSON<br>CA PE REG# C 60657<br>EXPIRATION: 12/31/2018 | <b>GEOTECHNICAL ENGINEER</b><br>GEOTEK, INC.<br>1548 NORTH MAPLE STREET<br>CORCONOA, CA 92680<br>(751) 710-1160<br><br>LICENSED ENGINEER: ROBERT RUSSELL<br>CA GE REG# 2042<br>EXPIRATION: 12/31/2018 | <b>PROJECT DESCRIPTION</b><br>SYSTEM SIZE (DC) 2,144.72kW<br>SYSTEM SIZE (AC) 1,856.00kW, 1,942.92kW (CEC)<br>MODULE TYPE (6308) TRINA TSM 340-DD14A 340-DD14A(II) MODULES<br>INVERTER (27) SUNGROW SG60KU-M (480V)<br>(1) SUNGROW SG36KU(480V)<br>TRANSFORMER (2) STEP-UP TRANSFORMERS<br>LATITUDE/LONGITUDE 36.65°/-119.65°<br>PROJECT AREA 20.01 ACRES |
|---|---|---|

|                                       |                              |   |
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| <b>CONTRACTOR</b><br>TO BE DETERMINED | <b>CONTRACTOR'S LICENSE:</b> | <b>APPLICABLE CODES AND STANDARDS</b><br><ul style="list-style-type: none"> <li>CALIFORNIA FIRE CODE 2016 EDITION</li> <li>CALIFORNIA ENERGY CODE 2016 EDITION</li> <li>CALIFORNIA MECHANICAL CODE 2016 EDITION</li> <li>CALIFORNIA PLUMBING CODE 2016 EDITION</li> <li>CALIFORNIA ELECTRICAL CODE 2016 EDITION</li> <li>CALIFORNIA FIRE CODE, PART 9, TITLE 24 C.C.R. (2015 INTERNATIONAL FIRE CODE AND 2016 CALIFORNIA AMENDMENTS)</li> <li>2016 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24, C.C.R.</li> <li>TITLE 19 C.C.R. PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS</li> </ul> |
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**ADDITIONAL DOCUMENTATION**

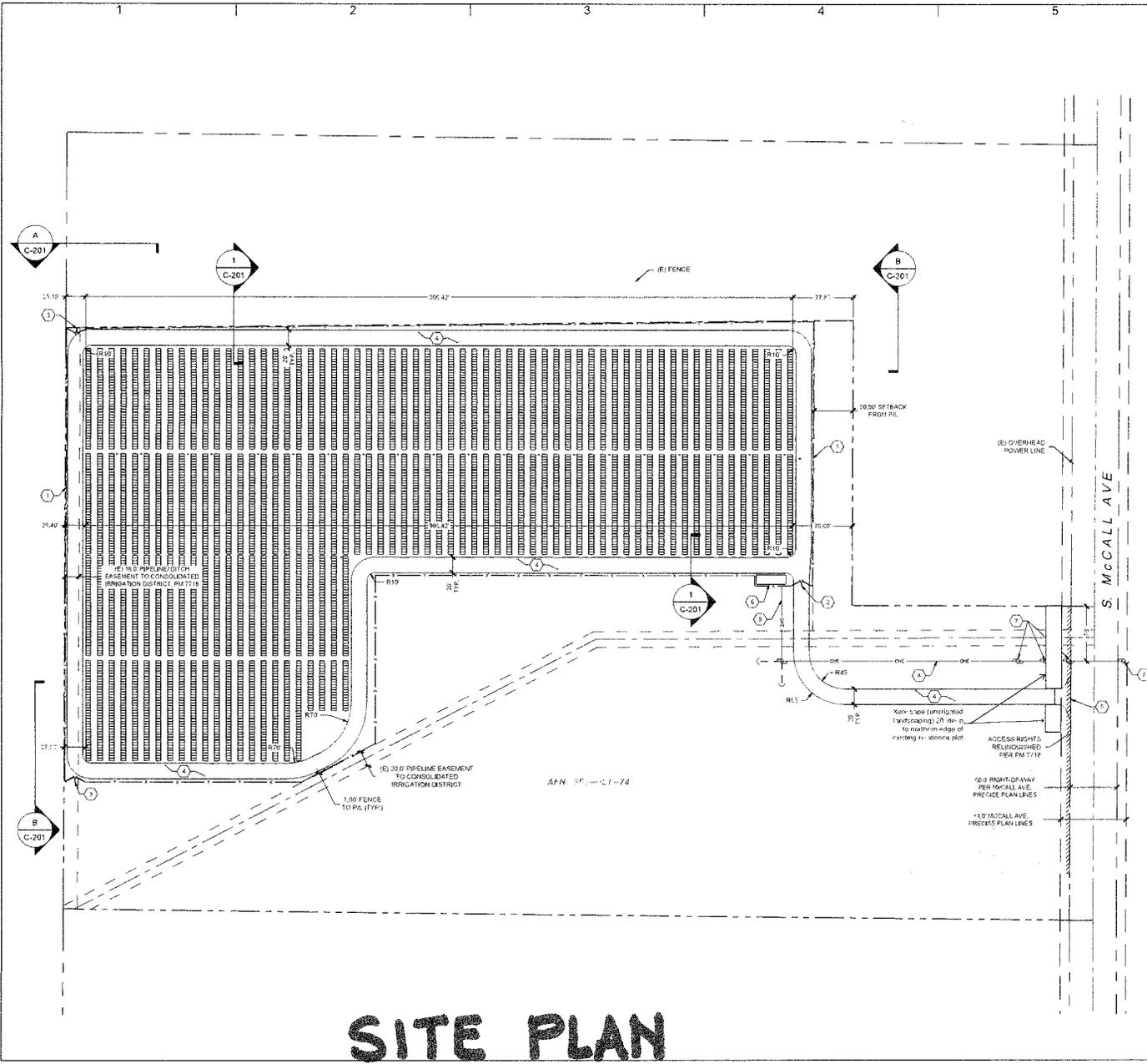
- GEOTECHNICAL EVALUATION FOR PROPOSED GROUND-MOUNT PV ARRAYS MAHAL PROJECT, GEOTEK INC., 11/16/17
- PHASE 1 ENVIRONMENTAL SITE ASSESSMENT MAHAL PROJECT, GEOTEK INC., 9/15/17
- 

EXHIBIT 5

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# SITE PLAN

**LEGEND**

|     |                          |
|-----|--------------------------|
| --- | PROJECT PROPERTY LINE    |
| --- | RIGHT-OF-WAY LINE        |
| --- | SETBACK LINE             |
| --- | EX. EASEMENT             |
| --- | PRECISE PLAN LINE        |
| --- | NEW INTERIOR ACCESS ROAD |
| --- | ROAD                     |
| --- | NEW PERIMETER FENCE      |

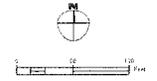
**SHEET NOTES**

1. SHOWS EXTENTS OF ALL CIVIL WORKS

**ABBREVIATIONS**

(E) EXISTING  
 MIN. MINIMUM  
 PM PARCEL MAP  
 PP POWER POLE  
 P/L PROPERTY LINE  
 R RADIUS  
 TYP TYPICAL

- KEY NOTES**
- ① CONSTRUCT 7'-HIGH CHAIN LINK SECURITY FENCING (6' FENCE W/ 1' BARBED WIRE)
  - ② ACCESS GATE WITH CLEAR OPENING WIDTH OF 24'
  - ③ ACCESS GATE WITH CLEAR OPENING OF 18' FOR EASEMENT ACCESS
  - ④ 20' WIDE ACCESS ROAD WITH COMPACTED NATIVE SOIL
  - ⑤ DRIVEWAY ENTRANCE TO McCALL AVE.
  - ⑥ CONCRETE PAD FOR ELECTRICAL EQUIPMENT. SEE SHEET E0.1
  - ⑦ NEW UTILITY POLE. SEE ELECTRICAL SITE PLAN SHEET E0.1
  - ⑧ NEW OVERHEAD POWER LINES. SEE ELECTRICAL SITE PLAN SHEET E0.1



**FOREFRONT POWER**

100 MONTGOMERY ST #1400  
 SAN FRANCISCO, CA 94104  
 (415) 778-8246  
 www.ForefrontPower.com

**SAGE**  
 Consulting Engineers, Inc.  
 12 Deary Street, Suite 807  
 San Francisco, CA 94133  
 (415) 950-5200

STAMP:

**CA-SB43 MAHAL PV  
 POWER PLAN**

**FOREFRONT POWER LLC  
 9375 MCCALL AVE.  
 SELMA, CA 93662**

PROJECT NUMBER  
 CA-17-0018 / J0059

SHEET TITLE  
 SITE PLAN

SHEET SIZE  
 ARCH "D"  
 24" x 36" (610 x 914)

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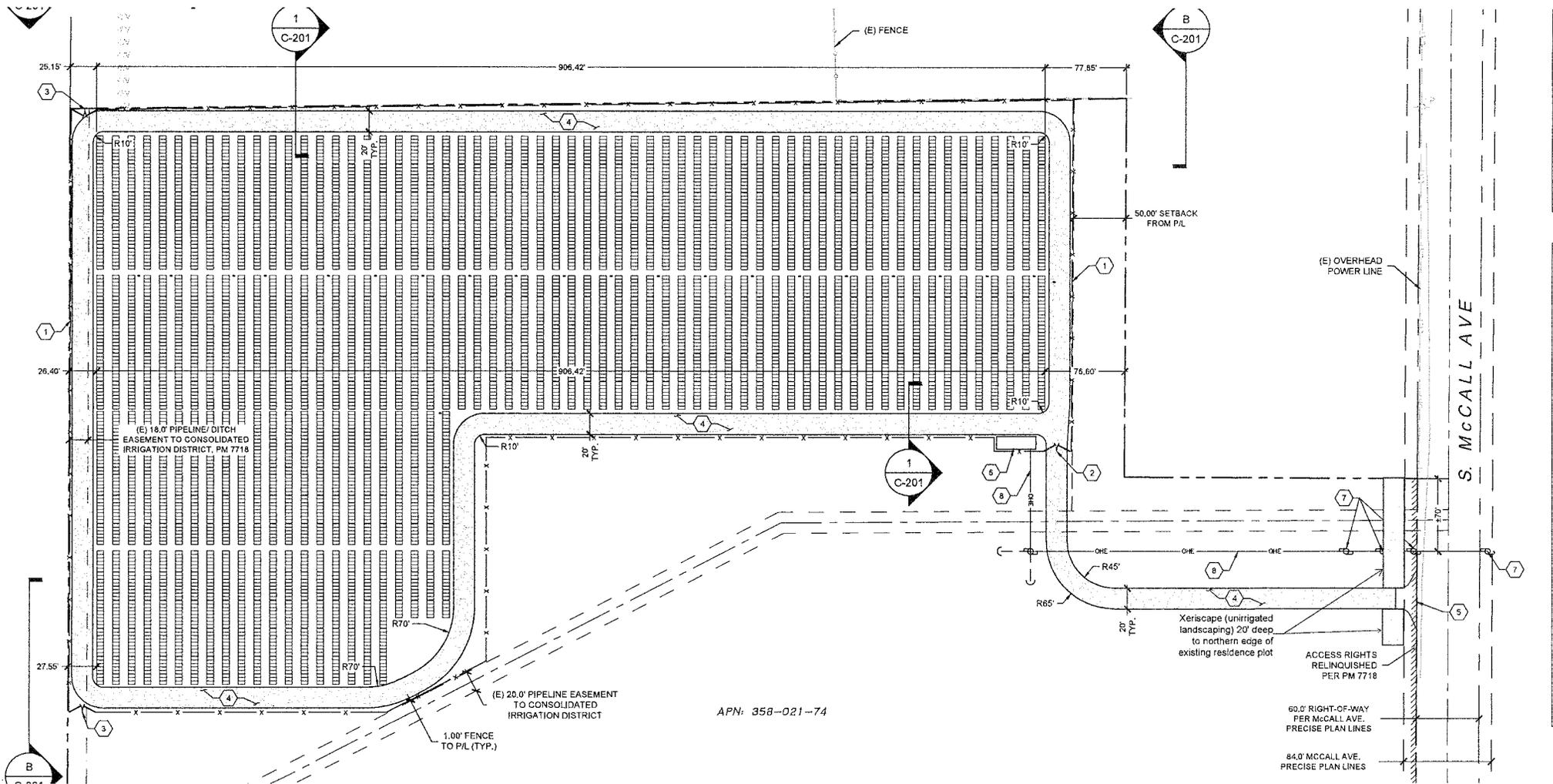
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DATE: 12/12/17  
 DRAWN BY: RLS  
 ENGINEER: JSM  
 APPROVED BY: [Signature]

PROJECT PHASE:  
 PROGRESS SUBMITTAL

SCALE: 1" = 60'

SHEET NO.:  
**C-101**



# SITE PLAN (ENLARGED)



Pre-Application Submittal

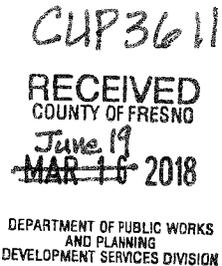
**Project:** Mahal Solar

**Scope:** 1.656 MWac solar photovoltaic energy generation facility on a +/-9-acre portion of a 20-acre parcel.

**Location:** 9375 McCall Avenue (APN 358-021-74)

**Applicant's Representative:**

EPD Solutions, Inc.  
c/o Rafik Albert  
2030 Main Street, Suite 1200  
Irvine, Calif. 92614  
(949) 794-1182  
[rafik@epdsolutions.com](mailto:rafik@epdsolutions.com)



Operational Statement

1. *Nature of the operation—what do you propose to do? Describe in detail.*  
The project is a solar photovoltaic power plant. The facility will generate electricity from the sun during daylight hours, and will be unmanned. The project would interconnect with the electrical grid at an existing power line along McCall Avenue. An collector line approximately 540 feet in length would connect to the power line along McCall Avenue.
2. *Operational time limits:*  
The facility will operate during daylight hours year-round. Operations would be automated and not require a staff presence.
3. *Number of customer or visitors:*  
The site would not receive customers or visitors.
4. *Number of employees:*  
The facility will be unmanned. Occasional site visits (generally less than one per day) would occur for security and maintenance.
5. *Service and delivery vehicles (number, type, frequency):*  
The facility would not receive any regular deliveries during operations. Service visits would occur periodically on an as-needed basis, and would generally require only a pick-up truck
6. *Access to the site (public road, private road, surface, unpaved/paved):*  
The site is adjacent to McCall Avenue, a public, paved road.
7. *Number of parking spaces for employees, customers, and service/delivery vehicles:*  
As the facility will be unmanned and not receive customers or visitors, no parking is required or proposed.
8. *Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?*  
No goods would be grown, produced, or sold on-site.

9. *What equipment is used (if appropriate, provide pictures or a brochure):*  
Equipment used on the site would include:
- Solar modules mounted on trackers
  - Electrical equipment pad with switchgear
10. *What supplies or materials are used and how are they stored?*  
No supplies or materials would routinely be used at the site, and no storage would occur at the site. Any items required for periodic maintenance would be carried on maintenance vehicles.
11. *Does the use cause an unsightly appearance (noise, glare, dust, odor, if so explain how this will be reduced or eliminated):*  
The use is minimally impactful on the surrounding area. The proposed equipment will generate minimal noise. Solar panels do not generate substantial glare. The project will not generate any dust or odor during operations.
12. *List any solid or liquid wastes to be produced:*  
The facility will not generate solid or liquid wastes. No process wastewater is generated during energy generation from a photovoltaic facility. The site will be unmanned so no restrooms would be required and no sewer connection or septic system would be installed. Any solid wastes generated during maintenance activities would be removed by maintenance crews when they depart the site.
13. *Estimated volume of water to be used (gallons per day, source of water):*  
The site will be unmanned and no water use would be required. In lieu of water, a commercially available biodegradable solution will be used for panel cleaning. Xeriscape landscaping with no irrigation would be utilized along the McCall Avenue frontage. The site is within the service area of the Consolidated Irrigation District, which would provide any water needed during construction through an on-site water connection to the Walnut Ditch. Construction water, which would almost entirely be used for dust control, is expected to require up to 5,000 gallons per day during the four-week site preparation phase, or a total of 0.2 acre-feet of water.
14. *Describe any proposed advertising including size, appearance, and placement:*  
No advertising is proposed.
15. *Will existing buildings be used or will new buildings be constructed (describe type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate):*  
The site contains no existing buildings, and no new habitable structures are proposed. New construction on the site would be limited to solar trackers and related electrical equipment and a perimeter fence. See enclosed plans.
16. *Explain which buildings or what portion of buildings will be used in the operation:*  
There are no existing buildings on the site and no new habitable structures are proposed.
17. *Will any outdoor lighting or an outdoor sound amplification system be used (describe and indicate when used):*  
Outdoor lighting would be limited to small-scale security lighting at the entry and any domestic fixtures required by Building Code or other Code requirements at electrical equipment, such as

transformers.

18. *Landscape or fencing proposed (describe type and location):*

Fencing is proposed to consist of a 7-foot perimeter chain link fence. Landscaping would consist of xeriscape (no irrigation required) along the McCall Avenue frontage, to a depth of 20 feet, to enhance aesthetics along the roadway.

Mahal Solar  
 9375 McCall Avenue  
 APN 358-021-74

CUP3611  
 RECEIVED  
 COUNTY OF FRESNO  
 MAY 15 2018  
 (REVISED)  
 DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION

**Project Compliance with Solar Facility Guidelines** (eff. 12/12/17)

- 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).

|              | 2007   | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|--------------|--------|------|------|------|------|------|------|------|------|------|
| Crop Type    | Grapes |      |      |      |      |      |      |      |      |      |
| Yield (tons) | 139    | 198  | 152  | 190  | 191  | 157  | 175  | 179  | 180  | 122  |

- 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.

The site is within the Consolidated Irrigation District service area, and has water rights from that agency. No information is available regarding past allocations from CID, but water obtained from the District was utilized on-site for irrigation of grape vines over the past decade. Approximate water use per year is 42 acre-feet.

The facility will be unmanned and no permanent water source will be required. A commercially available biodegradable solution will be utilized for panel cleaning in lieu of water.

- 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 site is not covered by a Williamson Act contract or Conservation Easement. A title report is provided as part of the application package.

- 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.

Soils within the solar field area are listed in the table below. This information is obtained from the U.S. Dept. of Agriculture's Natural Resources Conservation Service:

| Soil Symbol  | Soil Description   | Coverage Area |
|--------------|--|---------------|
| DeA          | Delhi sand<br>0 to 3 percent slopes                                  | 53%           |
| TzbA<br>TzbB | Tujunga loamy sand<br>0 to 3 percent slopes<br>3 to 9 percent slopes | 47%           |

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.

The solar field is buffered from adjacent parcels by about 75 feet on the east side, almost 190 feet on the south side, about 26 feet on the west side, and about 28 feet on the north side. The smaller buffers on the west and north sides are adjacent to agricultural fields with no nearby residences that could be impacted by the project.

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.

A Reclamation Plan is provided.

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 following factors were important in site selection for the project:

- The parcel does not have any active Williamson Act Contract or Conservation Easement.
- The site is in an urbanizing area of the County and a major housing development was previously considered for the site.
- Interconnection with the electrical grid would occur at an existing power pole on McCall Avenue, across the street from the site. This existing power line has capacity to serve the project; no major transmission infrastructure is required.
- The site is disturbed private land with no identified biological or cultural resources sensitivity.
- The site is at least 10 acres to accommodate the project's sizing criteria and County-required setbacks and other design features.
- The site is flat, with no significant topographical features or waterways.
- The site is easily accessible from existing roadways.
- The site's soils are not well suited for agriculture, based on the following information provided by the Natural Resources Conservation Service:
  - Delhi sand, 0 to 3 percent slopes (DeA), 53% of the solar field area, is considered "not prime farmland" and is "somewhat excessively drained." This soil type is classified as Irrigation Capability Class 3, indicating "soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both," and has the lowest possible rating of "low inherent productivity" under the National Commodity Crop Productivity Index.
  - Tujunga loamy sand, 0 to 3 percent slopes (TzbA) and 3 to 9 percent slopes (TzbB), 47% of the solar field area, is considered "somewhat excessively drained." This soil type is classified as Irrigation Capability Class 4, indicating "soils have very severe limitations that reduce the choice of plants or that require very careful management, or both," and has the lowest possible rating of "low inherent productivity" under the National Commodity Crop Productivity Index.

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 is provided.

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.

The Right to Farm Ordinance is acknowledged. The applicant will comply with any condition of approval imposed on the project requirement recording of such a notice on the parcel.

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.

The duration of the land use permit is noted.

11. If the project is approved, the applicant shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.

The requirement for reasonable efforts to be undertaken to establish a point of sale in Fresno County is noted.

12. If the project is approved, the applicant shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce.

The requirement for reasonable efforts to hire from the local workforce is noted.

13. In addition to disclosing the number of trips in the required project Operational Statement, the applicant shall disclose the weight of the shipments anticipated to the site. If the project is approved, pursuant to the CEQA analysis and based upon the existing road conditions and the weight/frequency of shipments to the site, the applicant shall mitigate impacts to County roads.

No shipments will be required to or from the site during operations. Only passenger cars and light trucks would routinely access the site for maintenance and security purposes.

14. If the project is approved, the applicant shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.

The requirement for reasonable efforts to purchase products and equipment from local manufacturing facilities and/or vendors is noted.

# Reclamation Plan

Mahal Solar Project  
APN 358-021-74  
County of Fresno

CUP3611

RECEIVED  
COUNTY OF FRESNO

MAR 16 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

ForeFront Power, LLC  
100 Montgomery St., Suite 1400  
San Francisco, CA 94104

January 31, 2018

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### **1. Present use of the site**

The Mahal Solar (project) site is located on an 20-acre parcel (APN 358-021-74) in unincorporated Fresno County, near the city of Selma. The project site is located on the east side of McCall Avenue, about 2,000 feet south of Manning Avenue (Figures 1 and 2). The present General Plan land use designation is Agriculture and the zoning is AE-20.

The project site is located at an elevation of about 310 feet and is generally flat. The site consists of agricultural land, with active production of Thompson seedless grape vines. A single-family residence is present at the southeast corner of the parcel; this residence would not be impacted by the project. Surrounding land uses are predominantly agricultural.

### **2. Proposed alternate use of the land**

ForeFront Power, LLC is proposing to develop and operate a 1.656-MWac solar photovoltaic energy generation facility on a 9-acre portion of the 20-acre parcel. Components of the facility will include a ground-mounted field of solar trackers and associated electrical equipment, including inverters and transformers; perimeter fencing; and interconnection to the electrical grid at an existing power line on the opposite side of the site's McCall Avenue frontage. A collector power line of approximately 540 feet will be constructed to reach this power line. The majority of the construction activities will occur above ground; however, there will be minimal subsurface construction for tracker piles, electrical conduit systems, and racking systems.

### **3. Duration**

The project is being designed to have a functional operating life cycle of a minimum 25 years to a maximum of 35 years, contingent on the power off-take agreement and the operational date, currently targeted as June 2019. Under the current site control agreement, the project could remain in operation until June 2044.

### **4. Ownership of property**

The subject property is subject to a 25-year lease between ForeFront Power, LLC (lessee) and James S. Anderson (property owner/lessor).

### **5. Reclamation plan**

5-a) As the project is taken offline and permanently out of service, the reclamation process will commence to restore the project site to its previous agricultural condition. The entire reclamation of the site will be complete approximately 12 months after plant is taken off-line. As a result of the relatively basic design and minimal footprint of the project, the reclamation process will be simple to execute and will be completed in one phase. Demolition and reclamation will include removal of all above ground and subsurface equipment, structures, and

fences. All foundations will be demolished and removed from the site, and all necessary grading will be performed to return the site to its original grade. All removed and demolished infrastructure and components will be salvaged and recycled as available.

5-b) No hazardous chemicals or materials will be present at any time during normal site operations of the project. No additional precaution or handling methodologies will be necessary during the reclamation process. All transformers and high voltage electrical equipment will be recycled as per manufacturer requirements and coolant will be disposed of pursuant to California and Fresno County law.

5-c) All electrical equipment will be uninstalled and removed. Electrical equipment includes: inverters, PV modules, combiner boxes, transformers, switchgear, monitoring equipment, and any other on-site equipment and all affiliated cabling. The equipment will either be reused or recycled depending on its equipment, warranties, technical improvements, and market valuation. All mounting structures will be removed and recycled as possible. Any and all building improvements on the site will be demolished and removed.

5-d,e) All below-grade foundations will be demolished and removed, including concrete, rebar, and associated debris. All subsurface conduit and cabling that is not deemed necessary by the utility will be uninstalled and recycled. Any below grade facilities deemed necessary by the utility will remain buried and marked for identification.

5-f) All requisite grading required to restore the site to its original condition. Due to the low impact of the disk-and-roll approach used during site preparation and the flat condition of the project parcel, it is anticipated that minimal re-grading will be required during reclamation.

5-g) During the reclamation process the site will be return to its previous agricultural state through de-compaction of the site, as needed. Due to the disc-and-roll site preparation technique, it is expected that requisite de-compaction will be limited. The reclamation process will involve the input of the landowner to consult on site restoration for agricultural use, as they were the original users of the site in its agricultural state.

5-h) There is no irrigation system currently present on the project site. No irrigation will be required during operations.

## **6. Site Plan**

See Figure 3.

**7. Engineering cost estimate**

| Civil Demolition               | Quantity | Unit | Labor        | TOTAL               |
|--------------------------------|----------|------|--------------|---------------------|
| Panel Removal                  | 6,308    | EA   | \$ 1.75      | \$ 11,039.00        |
| Steel Structure Disassembly    | 1        | LS   | \$ 6,500.00  | \$ 6,500.00         |
| Driven Pile Foundation Removal | 1,000    | EA   | \$ 5.50      | \$ 5,500.00         |
| Fencing Demolition             | 3,000    | LF   | \$ 2.50      | \$ 7,500.00         |
| Access Road Demolition         | 67,800   | SF   | \$ 0.25      | \$ 16,950.00        |
|                                |          |      | <b>Total</b> | <b>\$ 47,489.00</b> |

| Electrical Demolition   | Quantity | Unit | Labor        | TOTAL               |
|---|----------|------|--------------|---------------------|
| Removal of Wire & Grounding Rods (including dismantle & load)                     | 1        | LS   | \$ 5,000.00  | \$ 5,000.00         |
| Inverters / Parallel Gear / Combinor Boxes (including dismantle, load & disposal) | 1        | LS   | \$ 5,000.00  | \$ 5,000.00         |
|   |          |      | <b>Total</b> | <b>\$ 10,000.00</b> |

| Hauling                                 | Quantity | Unit | Unit Weight (lbs) | Total Weight (tons) | \$/Load      | TOTAL                |
|---|----------|------|-------------------|---------------------|--------------|----------------------|
| Panel                                   | 6,308    | EA   | 57.3              | 180.72              | \$ 300.00    | \$ 54,217.26         |
| Driven Pile Foundations                 | 1,000    | EA   | 100               | 50.00               | \$ 250.00    | \$ 25,000.00         |
| Tracker Structure Supports              | 1,000    | EA   | 200               | 100.00              | \$ 250.00    | \$ 50,000.00         |
| Copper (wire, inverter & parallel gear) | 1        | LS   |                   |                     | \$ 500.00    | \$ 500.00            |
|   |          |      |                   |                     | <b>Total</b> | <b>\$ 129,717.26</b> |

| Disposal Fees              | Quantity | Unit | Unit Price   | TOTAL              |
|----------------------------|----------|------|--------------|--------------------|
| Dump Fees (Panels)         | 180.7    | ton  | \$ 35.00     | \$ 6,325.35        |
| Dump Fees (Building waste) | -        | ton  | \$ 25.00     | \$ -               |
| Dump Fees (Concrete)       | 2.0      | ton  | \$ 25.00     | \$ 50.00           |
|                            |          |      | <b>Total</b> | <b>\$ 6,375.35</b> |

\*PRICES ARE SUBJECT TO CHANGE\*

\*PRICES WILL FLUCTUATE W/ MARKET CONDITIONS\*

|                                |                      |
|--------------------------------|----------------------|
| Civil Demolition               | \$ 47,489.00         |
| Electrical Demolition          | \$ 10,000.00         |
| Hauling                        | \$ 129,717.26        |
| Disposal Fees                  | \$ 6,375.35          |
| <b>Total Decommission Cost</b> | <b>\$ 193,581.61</b> |
| Salvage Value (%)              | 50.0%                |
| <b>Net Decommission Cost</b>   | <b>\$ 96,790.80</b>  |

**8. Financial assurances**

ForeFront Power, LLC will provide the County of Fresno with a Letter of Credit in the amount of \$193,581. The Letter of Credit will increase annually by 3%, or be tied to the Consumer Price Index (CPI) or other mechanism acceptable to the Fresno County Department of Public Works and Planning.

**9. Evidence that all owners have been notified**

A lease agreement with the property owner, James S. Anderson, is in place. The lease agreement authorizes ForeFront Power, LLC to construct, operate, maintain, and decommission the solar project on the project site.

Figure 1. Project Location

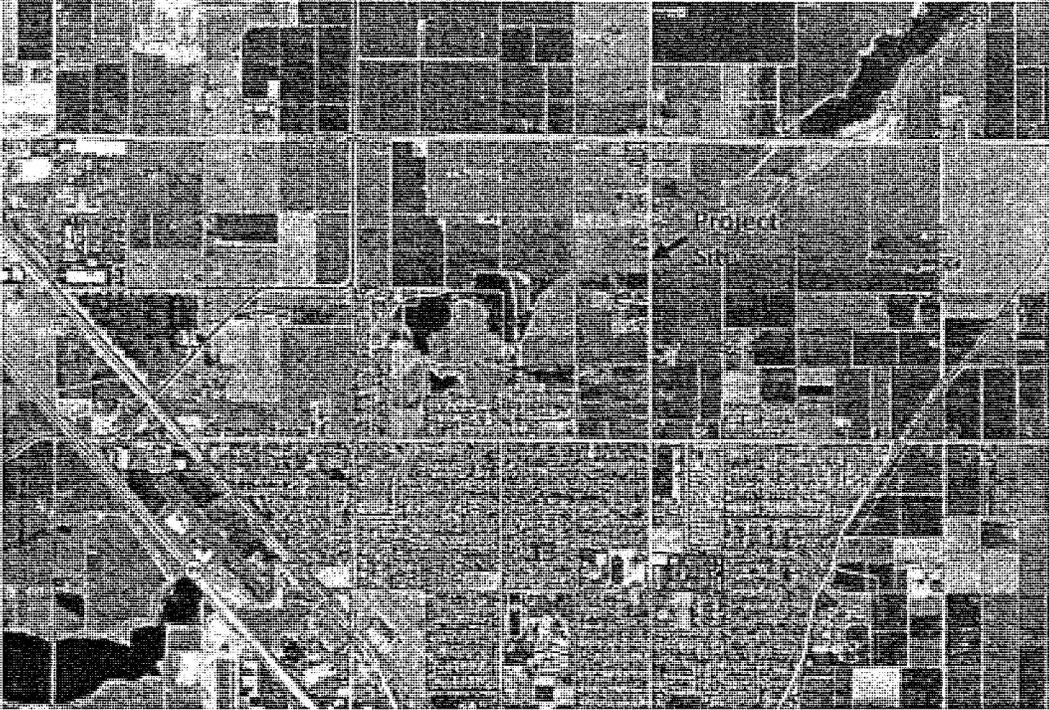
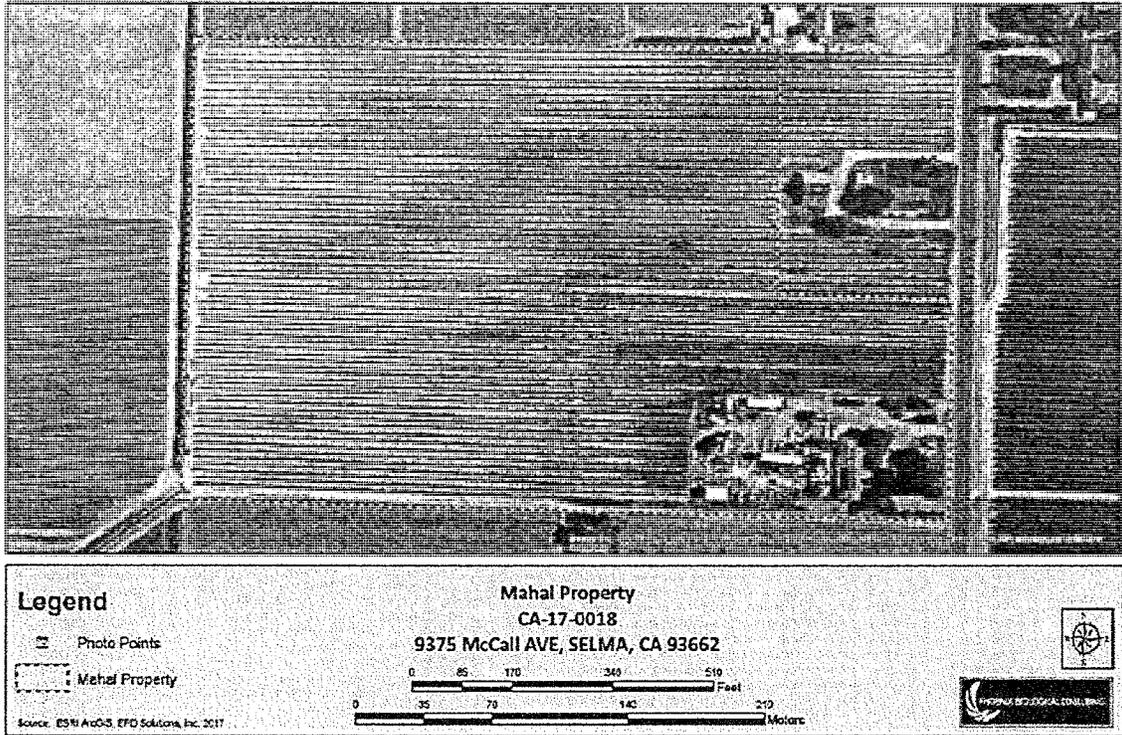


Figure 2. Site Aerial



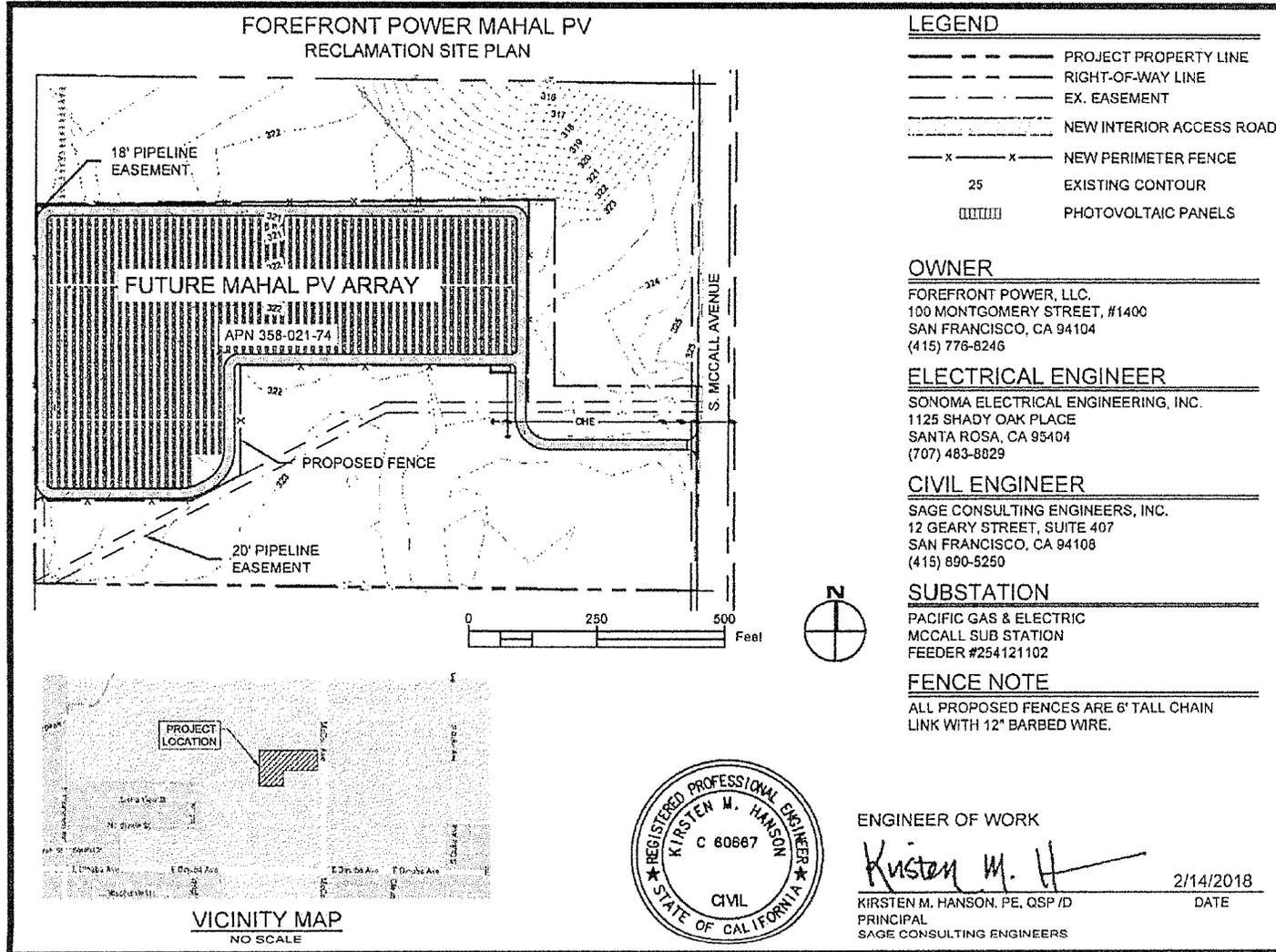


Figure 3. Reclamation Site Plan



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: ForeFront Power, LLC
- APPLICATION NOS.: Initial Study Application No. 7444 and Unclassified Conditional Use Permit Application No. 3611
- DESCRIPTION: Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Ave., Selma CA) (SUP. DIST. 4) (APN 358-021-74).

### I. AESTHETICS

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

FINDING: NO IMPACT:

The project site is located in an agricultural area with sparse single-family residences. No scenic vista, scenic resources, or historic buildings were identified on or near the site that could be impacted by the project. McCall Avenue, which provides access to the site, is not a scenic drive in the County General Plan. The project will have no impact on scenic resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project entails the construction and operation of a photovoltaic (PV) solar power generation facility and related improvements on a 20.17-acre parcel with an output of 1.65 megawatts. The project would interconnect with the electrical grid at an existing

power line along McCall Avenue. A collector line approximately 540 feet in length would connect to the power line along McCall Avenue.

Located approximately one quarter-mile north of the City of Selma, the project site has historically been used for agricultural production and is currently planted in vineyards. The surrounding land uses include farmlands planted in vineyards and orchard with sparse single-family residences. The nearest single-family residence is approximately 26 feet north of the site.

The buildings and structures included in the project proposal consist of ground-mounted PV solar module arrays and associated electrical equipment, including inverters and transformers; perimeter fencing, and interconnection to the electrical grid at an existing power line on the opposite side of the site's McCall Avenue frontage. As part of the proposed gen-tie connection, this proposal includes an elevated 540-foot-long gen-tie line connecting on-site electrical equipment to an existing power line along McCall Avenue. Approximately five new utility poles would be added along the length of the gen-tie line.

The proposed solar power generation facility will have low visibility from the surrounding area. The majority of the project site (9 acres of a 20.17-acre parcel) will occupy racking systems and PV module arrays that will have an overall height of 9 feet and will be secured by a perimeter fencing topped with barbed wire. The fencing will create physical buffers between the proposed development and farming activities on the remainder of the subject property and on the adjacent parcels.

Considering the location of the subject parcel in a farming area (large parcel sizes with low population density), the proposed facility location being approximately 345 feet from the nearest roadway (McCall Avenue), and the fact that it will be secured by perimeter fencing, impact on the visual character or quality of the site and its surroundings would be less than significant.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:**

According to the Applicant's Operational Statement, outdoor lighting will be limited to small-scale security lighting at the entry gate and at electrical equipment such as transformers. In order to reduce any lighting and glare impact resulting from this proposal, a Mitigation Measure would require that all outdoor lighting shall be hooded and directed to not shine toward adjacent properties and public streets. With implementation of this measure, impact associated with new sources of light would be less than significant.

\* **Mitigation Measure:**

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

Regarding potential glare impacts, solar panels are notable for creating reflections or glare observed by drivers. This would be a potential impact for motorists along McCall Avenue. However, the affected portion of McCall Avenue is rural and does not carry significant daily traffic volumes through the area. Therefore, potential glare impacts would not affect a highly-travelled road, and therefore, 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is classified as Unique Farmland, Farmland of Statewide Importance and Prime Farmland on 2014 Fresno County Important Farmland Map. The proposed solar facility will temporarily occupy portions of the land classified as Unique Farmland and Farmland of Statewide Importance and at the end of the useful life of the facility the land will be reverted to the farming operation.

- 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?

FINDING: NO IMPACT:

This proposal is not in conflict with the current agricultural zoning on the property. The proposed facility is an allowed use on land designated for agriculture with discretionary approval and adherence to applicable General Plan Policies. The property is not restricted by a Williamson Act Land Conservation Contract.

- 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:

Supplemental project information prepared for the proposed solar power generation facility in compliance with the “Solar Facility Guidelines” (Supplemental Information), approved by the Fresno County Board of Supervisors on May 3, 2011 (revised May 21, 2013 & December 12, 2017) has been submitted by the Applicant and reviewed by various agencies and departments.

As noted in Item No. 1, Item No. 2 of the Supplemental Information related to Agricultural History and Water Source, the subject parcel has grapevines for the last ten years, which utilizes roughly 42-acre-feet of water per year supplied by Consolidated Irrigation District (CID). Water needed for the construction, maintenance and operation of the proposed solar power generation facility will be purchased from the CID.

As noted in response to Item No. 4 and 7 of the Supplemental Information related to Soils and Site Selection, the project site is comprised of various soil types with various grades. The soils on the project site are Delhi sand, Tujunga Loamy sand and Hartford fine sandy loam. The proposed solar facility will be located on the portions of the property comprised of Delhi sand and Tujunga Loamy sand. Delhi sand, with 0 to 3 percent slopes (DeA) and covering 53 percent of the solar field area, is considered “not prime farmland” and is “somewhat excessively drained.” This soil type is classified by U.S. Dept. of Agriculture’s Natural Resources Conservation Service (NRCS) as Irrigation Capability Class 3 (poor), indicating, “soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both,” and has the lowest possible rating of “low inherent productivity” under the National Commodity Crop Productivity Index. Tujunga loamy sand (Tzba & TzbB), with 0 to 9 percent slopes and covering 47% of the solar field area, is considered “somewhat excessively drained.” This soil type is classified by U.S. Dept. of Agriculture’s Natural Resources Conservation Service (NRCS) as Irrigation Capability Class 4 (very poor), indicating, “soils have very severe limitations that reduce the choice of plants or that require very careful management, or both,” and has the lowest possible rating of “low inherent productivity” under the National Commodity Crop Productivity Index.

The proposed solar power generation facility will have less than significant impact on farmlands for two reasons.

According to the State’s Farmland Mapping and Monitoring Program, the project site is designated as Unique Farmland, Farmland of Statewide Importance and Prime Farmland. The subject proposal will occupy an approximately 9-acre portion of a 20.17-acre parcel which is designated, as Unique Farmland, Farmland of Statewide Importance and is comprised of Delhi sand and Tujunga Loamy sand. These soil types, as discussed above, have deficiencies and are not well suited for crops.

Secondly, the loss of farmland resulting from this proposal would be temporary. As noted in response to Item No. 6 of the Supplemental Information related to Reclamation Plan, and defined in the Applicant-submitted Reclamation Plan, the project, at the end of its 25 plus years of useful life, will be taken offline and permanently out of service. At that point, reclamation process will commence to restore the project site to its previous agricultural condition. This process involves demolition and removal of all aboveground

and subsurface equipment, foundations, structures, and fences from the site and performing necessary grading to return the site to its original grade.

The site restoration requirements will be included as a Mitigation Measure and stipulated in a Covenant between the Applicant/Property Owner and the County of Fresno. Another Mitigation Measure would require that prior to issuance of Building Permits, financial assurances equal to the cost of reclaiming the land to its previous agricultural condition based on an engineering cost estimate prepared for the project by a registered engineer shall be submitted to ensure that the reclamation is performed according to the approved Plan.

Although, the Fresno County Department of Agriculture (Agricultural Commissioner's Office) expressed no specific concerns with this proposal, the agency, however, has consistently commented that solar power generation facilities may create habitat for weeds and rodents. Rodents could cause damage to above and underground equipment and an uncontrolled population growth could cause damage to neighboring farmland. Likewise, unchecked weeds can become a fire hazard and can provide for food and cover for rodents. Therefore, in compliance with a mandatory requirement from the Agricultural Commissioner's Office, a Project Note would require that any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the Property Owner/Operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372. In compliance with Item No. 8 of the Supplemental Information, the Applicant has submitted a Pest Management Plan, and a Mitigation Measure would require implementation of the Plan in order to keep the site free from weeds and rodents during the life of the solar power generation facility. Likewise, in compliance with Item No. 9 of the Supplemental Information, a Condition of Approval would require the Applicant to acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.

Considering the above discussion and with adherence to the Mitigation Measures listed below, the project will have a less than significant impact on Agricultural and Forestry Resources.

\* **Mitigation Measures:**

- 1. The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).*
- 2. 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 as nearly as*

*practical to its original condition at the cessation of the operation of the solar power generation facility.*

3. *The project shall comply with the Pest Management Plan, prepared by ForeFront Power, LLC and dated January 31, 2018, in order to control weeds and rodents on the property that may impact adjacent properties.*

### III. AIR QUALITY

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

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the subject proposal along with a *Focused Air Quality and Greenhouse Gas Memorandum* prepared for the project by Urban Crossroads and dated March 22, 2018. According to the Air District comments on the project, the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG or 15 tons/year PM10. As such, the project will have a less than significant impact on air quality.

The project is subject to Air District Rule 9510 (Indirect Source Review). This rule requires submittal of an Air Impact Assessment (AIA) Application prior to applying for the final discretionary approval, and payment of applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. An Air Impact Assessment (AIA) Application (ISR Project Number C-20180136) was submitted by the Applicant and deemed complete by the Air District on April 2018.

Other Air District rules that may apply to this proposal include: District Regulation VIII - Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. These requirements will be included as Project Notes.

Adherence to the Air District Rules will reduce air quality impacts to less than significant.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project will not create any objectionable odor that may affect people in the area. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction, and is thus considered less than significant. Project operational activities would be primarily associated with intermittent maintenance activities which would not generate any substantive odors. The proposed project would also be required to comply with Rule 4102 to prevent occurrences of public nuisances. Therefore, odors associated with the project construction and operations would be less than significant.

**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)?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:**

The project site is located in an agricultural area consisting of cultivated land with sparse single-family residences. An approximately 18.17-acre portion of a 20.17-acre project site is planted in vineyards, while the remainder two acres is developed with a single-family residence and related improvements, including an access to the site off McCall Avenue.

The Applicant's environmental consultant, Phoenix Biological Consulting, provided a Biological Habitat Assessment for the project, dated May 31, 2017, which was included with the project information packet provided to reviewing agencies in April 2, 2018. This information was also provided to the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) for review and comments. However, no concerns were expressed by either agency.

According to the findings of the Biological Habitat Assessment (BHA), the habitat assessment conducted during May 2017 reveals that the site is situated within highly-disturbed agricultural land uses. The site predominantly consists of active agricultural production of Thompson seedless grape vines. The BHA made several findings: There is no suitable nesting habitat for raptors, and given the survey was conducted during spring season, no further rare plant surveys are required. The site does not contain suitable habitat for San Joaquin kit fox due to surrounding land uses and lack of

foraging habitat. Therefore, no focused surveys nor mitigation are required for the species. Additionally, the site does not contain nesting habitat for Swainson's hawk and surveys are not needed based on the protocol stipulations. Furthermore, lacking surface water and riparian areas, the valley elderberry longhorn beetle habitat is not present on site and the habitat on site is not conducive to burrowing owl nesting and shelters. Although, no suitable burrows were observed during the survey and the active farming prevents the development of suitable owl burrows for shelter or nesting, the BHA recommends a 14-day preconstruction survey to prevent inadvertent take of burrowing owls, and if burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the lead agencies. Also, no ground-disturbances shall occur during nesting season without a survey clearance from a biologist. These requirements will be included as Mitigation Measures.

\* **Mitigation Measures:**

1. *A 14-day preconstruction site survey shall be conducted to prevent inadvertent take of burrowing owls. If burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.*
2. *No ground-disturbances shall occur during nesting season (between February and August) without a clearance survey by a qualified biologist to ensure that no nesting birds are impacted.*

- 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?

FINDING: NO IMPACT:

According to the Biological Habitat Assessment, the project site contains no surface water, wetlands, or Waters of the United States. The current and the historical use of the site has been farming.

Given the current state of the property and non-existence of wetlands or water channels on it, no impact on federally-protected wetlands as defined by Section 404 of the Clean Water Act would occur.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is an active farmland and is surrounded by developed or highly-disturbed farmlands, and therefore would not constitute a “movement corridor” for native wildlife. According to the Biological Habitat Assessment, the site is relatively isolated due to surrounding agricultural land use, paved roads, Golden State highway to the west and urban land use practices to the north and southwest. The project will have a less than significant impact on regional wildlife movements.

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

FINDING: NO IMPACT:

According to the Biological Habitat Assessment, no sensitive plant communities were identified on the project site. The project will not be in conflict with any local policies or ordinances protecting biological resources.

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

FINDING: NO IMPACT:

The project site is not within nor does it border a conservation area. The Big Table Mountain Ecological Reserve is approximately 22 miles north of the project site.

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

FINDING: NO IMPACT:

The project site is not within any area designated as moderately- or highly-sensitive to archeological finds. As such, the project will have no impacts on historical, archeological, or paleontological resources.

A *Cultural and Paleontological Assessment* of the site was conducted by Material Culture Consulting, Inc., and dated October 2017. The study concluded that based on the lack of cultural materials observed within the project area and the limited known

previously-recorded cultural resources within a one-mile radius of the project area, the project area is considered to have a low probability for the presence of prehistoric or historic archaeological deposits. The agricultural disturbance from the present vineyard and private residence on the property has eradicated any near-surface record of prehistoric, ethno historic, or historic-era behavioral activities that may have otherwise been preserved as archaeological sites, deposits or features.

- 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: NO IMPACT:

The project will have no impact on Tribal Cultural Resources. The project was routed to the Dumna Wo Wah Tribal Government, Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Table Mountain Rancheria for review in accordance with Public Resources Code Section 21080.3.1(b). No concerns were expressed by tribes.

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no known or identified active or potentially-active faults on or adjacent to the proposed Project site. The nearest known active or potentially-active fault, Nunez fault, is located approximately 20 miles southwest of the site. Neither the construction nor the operation of the proposed project would expose people or structures to the risk of loss, injury, or death involving rupture of a known earthquake fault. The impacts would be less than significant.

- 4. Landslides?

FINDING: NO IMPACT:

The project site contains naturally flat relief, which precludes the possibility of landslides on site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed photovoltaic solar power generation facility would not involve significant grading activities. The racking systems and photovoltaic (PV) module arrays require a moderately-flat surface for installation, which is characteristic of the subject parcel topography. However, some earthwork such as grading, fill, and compaction may be required to accommodate the placement of the racking systems and PV module arrays, subterranean conduits, footings, foundations, and access roads.

The Development Engineering Section of the Fresno County Department of Public Works and Planning reviewed the proposal and requires: 1) an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; 2) a grading permit or voucher for any grading proposed with this application; and 3) any additional runoff generated by the proposal be retained or disposed of per County Standards. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

See Section VI. A. 4. above.

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

FINDING: NO IMPACT:

The proposed project is not located in an area with identified expansive soil as shown in the 2000 Fresno County General Plan Background Report (Figure 7-1).

According to the information obtained from the U.S. Dept. of Agriculture's Natural Resources Conservation Service, the project site is comprised of Delhi sand, Hanford fine sandy loam and Tujunga loamy sand. No impact relating to expansive soils would occur.

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

FINDING: NO IMPACT:

The project would not include the use of septic tanks or alternative wastewater disposal systems. No wastewater facilities would be constructed as part of the project. If sanitation facilities are required during the construction period, temporary portable toilets will be provided for the workers. No impact would occur.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related 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 majority of the Green House Gas (CHG) emissions associated with the proposed project will be from short-term construction activities. Operational emissions will be from maintenance activities, which would occur occasionally.

The project was routed to the San Joaquin Valley Air Pollution Control District (Air District) along with the *Focused Air Quality and Greenhouse Gas Memorandum* prepared for the project by Urban Crossroads, and dated March 22, 2018. According to the document, the annual Greenhouse Gas Emission with the construction and operation of the project are estimated to be 16.98 Metric Tons/CO<sub>2</sub> estimated (MTCO<sub>2</sub>e) per year. The proposed project would not exceed the 7,000 MTCO<sub>2</sub>e threshold considered by the California Air Resources Board (ARB). As such, the proposed project would result in a less than significant impact with respect to CHG emissions.

The Air District reviewed the proposal and expressed no concerns regarding greenhouse gas emissions. The project will comply with District Rule 9510 and others as discussed in Section III. A. B. C. D. Air Quality.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Solar facility construction, operation, and decommissioning would require the limited use of hazardous materials that could result in potential adverse health and environmental impacts if these materials were used, stored, or disposed of improperly, causing accidents, spills, or leaks.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that 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. Additionally, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95, and all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as Project Notes. The use of hazardous materials entailed in the project would not generate impacts that amount to a level of significance requiring mitigation beyond what is required by existing regulations.

No schools are located within one quarter-mile of the project site. The nearest school, Theodore Roosevelt Elementary School, is approximately 1.4 south the project site.

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

FINDING: NO IMPACT:

The project does not sit on a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

The site has historically been used for agricultural purposes that have utilized pesticides that are currently considered a health risk and no longer used. Geo Tek, Inc., conducted *Phase I Environmental Site Assessment (ESA)* dated September 15, 2017 to determine the effects of pesticide on humans that was used on site during farming activities. Given the available information and the fact the proposed use of the site is for a solar power generation facility and not for habitable development, the ESA revealed no evidence of a recognized environmental condition or concern in connection with the subject site.

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

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or within two miles of a public or private use airport. The nearest airport, Selma Airport, is approximately 2.5 miles southwest of the site.

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

FINDING: NO IMPACT:

The project site is located in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

- 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 or adjacent to a wildland area. The project will not expose persons or structures to wildland fire hazards.

## IX. HYDROLOGY AND WATER QUALITY

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

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils. The Fresno County Department of Public Health, Environmental Health Division, reviewed this proposal and expressed no concerns related to soils or wastewater disposal.

The Central Valley Regional Water Quality Control Board (RWQCB) also reviewed the proposal and expressed no concerns regarding the project impact on groundwater quality.

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

FINDING: NO IMPACT:

The project site is not located in a water short area. Water demand during construction or the operation of the facility will have no impact on groundwater supplies.

Per the information provided by the Applicant, the water needed during construction of the project will be purchased from Consolidated Irrigation District through onsite water connections. However, no water will be needed during operations of the facility as the project will use commercially available biodegradable solution for panel cleaning in lieu of water.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns regarding the availability of water for the use.

- 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:

The project would not affect any existing natural drainage channels, as none exist on the property. Consolidated Irrigation District (CID) Pipeline that traverse the property will not be affected by this proposal as the proposed development will remain outside of the 20-foot wide pipeline easement. The CID expressed no concerns related to this proposal.

- 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:

As noted above in Section VI. B., a grading permit or voucher will be required for any grading proposed with this application, and the project will adhere to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

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

FINDING: NO IMPACT:

See discussion in IX. A.

- 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:

According to the Federal Emergency Management Authority (FEMA) FIRM Panel 2675H, the project site is not subject to flooding from the 100-year storm.

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

FINDING: NO IMPACT:

The proposal will not expose persons or structures to potential levee or dam failures nor is prone to hazards such as seiche, tsunami or mudflow.

#### X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This proposal will not physically divide a community. The project site is located approximately 1,363 feet northeast of the nearest city limits of the City of Selma.

- 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 proposed solar power generation facility will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The subject property is designated Agriculture in the County-adopted Selma community Plan and is located within the City of Selma Sphere of Influence (SOI). The project was referred to the City for consideration of possible annexation. The City reviewed the proposal and elected to release it for processing by the County.

The County General Plan allows the proposed facility in an agriculturally-zoned area by discretionary land use approval provided it meets applicable General Plan policies.

Regarding General Plan Policy LU-A.3, Criteria a. b. c. d., the proposed solar generation facility will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area; will be located on a non-Prime Farmland land; is not located in a low-water area; will not use groundwater; and will have work force available nearby in the City of Selma.

Regarding General Plan Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14, the subject proposal is consistent with General Plan Policy LU-A.3 as discussed above. The proposed facility will occupy a 9-acre portion of a 20.17-acre parcel and will be chain-link-fenced to provide buffer between the proposed facility and surrounding farming activities with all onsite improvements to maintain a 50-foot setback from the

property lines. Additionally, the project site will be restored to an agricultural use after the proposed 25 plus years of solar power generation in accordance with the Applicant's Reclamation Plan.

Regarding General Plan Policy PF-C.17 and Policy PF-D.6, the project is not reliant upon water resources and does not require installation of on-site sewage disposal systems.

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

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is an unmanned facility and will not expose people to severe noise levels or create substantial increases in ambient noise levels.

The Fresno County Department of Public Health, Environmental Health Division expressed no concerns related to noise. However, development of the proposed solar

power generation facility will be subject to conformance with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. This requirement will be included as a Project Note.

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

FINDING: NO IMPACT:

See discussion in Section VIII. E. F. above.

### XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not construct or displace housing nor will it 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:

According to the Fresno County Fire Protection District, the project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County. Further, the project shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes and addressed through Site Plan Review recommended as a Condition of Approval.

- 2. Police protection; or

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact police services, schools, parks or any other public facilities.

#### 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 impact on recreational resources were identified in the analysis.

#### XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, construction of the facility will take approximately four months based on a five-day workweek with workers on-site eight hours each day. During construction, a maximum of 40 construction personnel per day will be on site. During operation of the facility, one person per day will visit the site for security and maintenance.

A *Project Construction Trip Generation* was prepared for the project by Environment/Planning/Development Solutions, Inc., and dated January 30, 2018. The County Design Division of the Department of Public Works and Planning reviewed the traffic document and, based on an estimated 102 daily trips and 14 peak hour trips generated during the construction phase (includes mobilization, site improvement and grading; panel installation and construction), expressed no concerns with the project and required no Traffic Impact Study. The traffic impact would be less than significant.

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

FINDING: NO IMPACT:

Due to the limited height (9 feet) of solar panels and other improvements, the project will not impact 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:

The County Design Division and Road Maintenance and Operations Division (RMO) of the Department of Public Works and Planning did not identify any concerns with respect to increased traffic hazards or emergency access to the site. The proposed solar facility will gain access to the site off McCall Avenue for routine maintenance and emergencies. A Project Note would require that the Applicant shall obtain an encroachment permit from the RMO prior to any work being performed in the County road right-of-way.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted alternative transportation plans.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils. The proposed development will not require on-site sewage disposal systems or utilize groundwater.

- 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: NO 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:

Construction and decommissioning of the project would generate waste that may include cardboard, wood pallets, copper wire, scrap steel, common trash, and wood wire spools. The American Avenue Landfill serves the project area and would have sufficient capacity to accommodate the project's non-hazardous waste disposal needs.

Once operational, the proposed solar power generation facility will not utilize employees for daily activities. Personnel would only be on site for periodic maintenance. Considering the number of employees to be present at the facility on a regular basis, this proposal will not have a significant impact on area landfills. Further, as discussed in Section VIII. B., all hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the project may impact sensitive biological resources. Included Mitigation Measures in Section V. A. B. will minimize such impacts to less than significant. No impacts on cultural resources were identified in the analysis.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than aesthetics, agriculture and forestry resources, and biological resources, which will be addressed with the Mitigation Measures discussed in Section I. D., Section II. A. B. C. D. E., and Section V. A. B.

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

**FINDING: NO IMPACT:**

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

**CONCLUSION/SUMMARY**

Based upon the Initial Study (No. 7444) prepared for Unclassified Conditional Use Permit Application No. 3611, 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 cultural resources, mineral resources, population and housing or recreation.

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

Potential impacts to aesthetics, agricultural and forestry resources, and biological 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 southwest corner of Tulare and "M" Streets, Fresno, California.

EA:  
G:\4360Devs&PI\PROJSEC\PROJDOCS\CUP\3600-3699\3611\IS-CEQA\CUP3611 IS wu.docx

|   |  |   |                                    |
|---|--|---|------------------------------------|
| File original and one copy with:<br><b>Fresno County Clerk<br/>2221 Kern Street<br/>Fresno, California 93721</b>  |  | Space Below For County Clerk Only.<br><br>CLK-2046.00 E04-73 R00-00 |                                    |
| Agency File No:<br>IS 7444  | <b>LOCAL AGENCY<br/>PROPOSED MITIGATED<br/>NEGATIVE DECLARATION</b>        |   | County Clerk File No:<br><b>E-</b> |
| Responsible Agency (Name):<br>Fresno County   | Address (Street and P.O. Box):<br>2220 Tulare St. Sixth Floor              | City:<br>Fresno   | Zip Code:<br>93721                 |
| Agency Contact Person (Name and Title):<br>Ejaz Ahmad, Planner  | Area Code:<br>559  | Telephone Number:<br>600-4204                                       | Extension:<br>N/A                  |
| Applicant (Name): ForeFront Power, LLC  | Project Title:<br>Unclassified Conditional Use Permit Application No. 3611 |   |                                    |
| Project Description:<br>Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17- acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Ave., Selma CA) (SUP. DIST. 4) (APN 358-021-74).   |  |   |                                    |
| Justification for Mitigated Negative Declaration:<br>Based upon the Initial Study (IS 7444) prepared for Unclassified Conditional Use Permit Application No. 3611, staff has concluded that the project will not have a significant effect on the environment.<br><br>No impacts were identified related to cultural resources, mineral resources, population and housing or recreation.<br><br>Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.<br><br>Potential impact related to aesthetics, agricultural and forestry resources, and biological resources have been determined to be less than significant with the identified mitigation measure.<br><br>The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California. |  |   |                                    |
| FINDING:<br>The proposed project will not have a significant impact on the environment.   |  |   |                                    |
| Newspaper and Date of Publication:<br>Fresno Business Journal – May 23 , 2018   |  | Review Date Deadline:<br>June 21, 2018                              |                                    |
| Date:<br>May 18, 2018   | Type or Print Name:<br>Marianne Mollring, Senior Planner                   | Submitted by (Signature):   |                                    |

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



17901 Von Karman Ave, Suite 600  
Irvine, CA 92614  
(949) 556-8714  
[www.better-neighborhoods.com/](http://www.better-neighborhoods.com/)

June 20, 2018

Mr. Ejaz Ahmad  
Planner  
Fresno County Department of Public Works  
Development Services & Capital Projects Division  
County of Fresno  
2220 Tulare St., 6<sup>th</sup> Floor  
Fresno, CA 93721  
**Via email:** [eahmad@fresnocountyca.gov](mailto:eahmad@fresnocountyca.gov)

CUP3611

RECEIVED  
COUNTY OF FRESNO

JUN 20 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Re: Proposed Mitigated Negative Declaration for Initial Study Application No. 7444  
ForeFront Power Solar (the "Project")

Dear Mr. Ahmad,

Thank you for the opportunity to provide questions and comments with regard to the above-referenced Project.

Better Neighborhoods Inc. is an organization established to help people have a voice in local development decisions that will be heard equally to that of the planners and developers, to encourage smart growth that is consistent with the needs of the community, to protect the natural environment and our places of historical and esthetic significance, to support affordable housing, and to balance the needs for growth and livable cities.

Forefront Power proposes the construction of a temporary (25-year), nine-acre solar power facility on land classified as Unique Farmland, Farmland of Statewide Importance and Prime Farmland on 2014 Fresno County Important Farmland Map, near Selma – the raisin capital of the world -- and a mere 50 feet from a single-family residence.

Were any other more appropriate sites considered? The solar power facility is a permitted use only subject to discretion with consideration to General Plan policies. Because prime and unique farmland is so rare today, the County should be loath to sacrifice it to any use other than farming.

**EXHIBIT 10**

Mr. Ejaz Ahmad  
Re: ForeFront Power Solar Project  
June 20, 2018  
Page 2

### **Aesthetics**

The area is described as farmlands planted in vineyards and orchard with sparse single-family residences. Clearly, a solar energy project will radically alter land use as well as the look and feel of the area. The project would impose a hostile chain-link fence along the perimeter as well as bright lights and five new utility poles installed along a 540-foot long gen-tie line. Such an imposition smack in the midst of productive Thompson seedless vineyards should require at least some natural landscaping to act as a buffer.

### **Agricultural and Forestry Resources**

The loss of such highly-prized farmland for a quarter century – for any period of time – should raise a series of red flags at the County. When did the land cease to be farmed and why? Is there some reason beyond shorter raisin crops, lower pricing and rising labor costs reported in the news – something wrong the land? While property owners are free to use their land as they wish within the applicable legal restrictions, there may be a problem with the project site that merits fuller disclosure.

The report describes various soil deficiencies as well as the presence of a pesticide no longer used because of the human health hazard it poses. According to the report, “Given the available information and the fact the proposed use of the site is for a solar power generation facility and not for habitable development, the ESA revealed no evidence of a recognized environmental condition or concern in connection with the subject site.” What would be the potential impact of that pesticide in the soil if the site is disturbed via the construction of the solar power generation facility?

### **Fugitive Dust**

Fugitive dust is a major issue in southern California, yet it is mentioned in the report only with regard to paving and grading. Has the soil at the project site been tested for San Joaquin Valley Fever spores? Valley Fever has been identified as a public health risk in locations such as Antelope Valley, which has a number of solar projects. Spores are carried on the wind. Experts indicate further that the risk increases when land containing the fungus is disturbed. Mitigation in some cases may require the most minimal grading and the application of landscaping to maintain soil integrity, sometimes with the addition of mulch. The devastating effect of Valley Fever on human health as well as the pesticide hazard should prompt further investigation of the project site soil.

### **Reclamation**

According to the report, after 25 years of service life, the solar power equipment will be dismantled using a simple procedure that will return the land to its former use as farmland in only a year. How do we know the land will still be fit for farming? Are there any studies of farmland restored after use as a solar power facility?

Mr. Ejaz Ahmad  
Re: ForeFront Power Solar Project  
June 20, 2018  
Page 3

Construction of the facility admittedly involves the use of hazardous materials. Although the report doesn't cite it as a risk, what is the likelihood and potential environmental impact of such materials leaching into the soil? The report hardly touches on storm runoff. Might storm runoff contain some of the hazardous materials used in the project? If so, what would be the effect on both the project site and on the surrounding farms?

The report states, "Solar facility construction, operation, and decommissioning would require the limited use of hazardous materials that could result in potential adverse health and environmental impacts if these materials were used, stored, or disposed of improperly, causing accidents, spills, or leaks." What would be the full extent of damage such accidents would pose not only to the project site but to the surrounding farmland? More and more detailed information is required to properly assess such a potentially catastrophic risk.

### **Pest Management**

As the report notes, weed and rodent infestations common at solar project sites could have a devastating impact on surrounding farms. Because the project is an unmanned facility, will there be independent monitoring of the proposed weed and rodent mitigation plan?

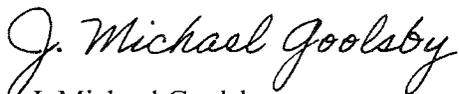
### **Noise**

While the Fresno County Department of Public Health, Environmental Health Division expressed no concerns about the project related to noise, what noise exactly would the solar project generate? Bear in mind, the project would be 50 feet from a residence.

### **Conclusion**

This is but a preliminary report, but it raises a number of questions that require further explanation and analysis particularly regarding the potentially catastrophic effect of introducing hazardous materials in an area of some of the most valuable farmland in California and probably the world.

Sincerely,



J. Michael Goolsby  
President and CEO  
Better Neighborhoods, Inc.

Ahmad, Ejaz

JUN 19 2018

**From:** tnahal10@gmail.com  
**Sent:** Tuesday, June 19, 2018 12:02 PM  
**To:** Ahmad, Ejaz  
**Cc:** Tarlochan S. Nahal; harpaul@nahallaw.com  
**Subject:** Re: Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Mr. Ejaz,

Thanks for your quick response. I strongly urge the Planning Commission to disapprove this solar panel project.

Central Valley is already fighting the menace of pollution and all sorts of health issues. Approving this kind of dangerous project in the middle of existing and proposed residential neighbourhood would put all the neighbors including small children at great risk.

Regards,

Tarlochan S Nahal

On Jun 19, 2018, at 11:30 AM, Ahmad, Ejaz <[EAhmad@fresnocountyca.gov](mailto:EAhmad@fresnocountyca.gov)> wrote:

Thanks Mr. Nahal for your comments on the project and will be provided to the Planning Commission. Thanks

Ejaz

**From:** Tarlochan S. Nahal <[tnahal10@gmail.com](mailto:tnahal10@gmail.com)>  
**Sent:** Tuesday, June 19, 2018 10:23 AM  
**To:** Ahmad, Ejaz <[EAhmad@fresnocountyca.gov](mailto:EAhmad@fresnocountyca.gov)>  
**Cc:** Tarlochan S. Nahal <[tnahal10@gmail.com](mailto:tnahal10@gmail.com)>; Harpaul Nahal <[harpaul@nahallaw.com](mailto:harpaul@nahallaw.com)>  
**Subject:** Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74

## County of Fresno

### Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

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Forward the email to SPAM "[SPAM@co.fresno.ca.us](mailto:SPAM@co.fresno.ca.us)" and delete it.

Dear Mr. Ahmad,

I am writing this regarding the aforementioned application that seeks to install power generation facility (solar panels) on a property that is adjacent to my property (APN: 358-021-010) in Selma, California.

I strongly oppose this project on the following grounds.

1. This project is not in line with the best use of this property which is a prime agriculture land and well within the sphere of influence of the City of Selma.
2. Since the city is eventually going to grow in that direction and all the neighboring land is already marked as future residential as per the latest City Plan, it will make all the neighboring properties less desirable including mine. I am the next door neighbor.
3. This project will adversely affect the environment and will be disastrous for the current and future neighborhood.
4. Solar components radiate high levels of radio frequency electromagnetic radiation, which poses health risks to those with electromagnetic hypersensitivity (EHS). The primary health hazard involved with solar energy generation is that people with EHS get sick from electromagnetic radiation in even very small amounts.
5. Installing solar panel on this property would be one of the worst possible uses for this land and it can have an adverse effect on the health of neighbors due to this dangerous equipment that will emit electromagnetic power continuously. In addition, it will result in environmental degradation and habitat loss.

Attached is the APN map and the City of Selma Sphere of Influence and Planning Area map.

Please do not approve this project.

If you have any questions, please feel free to contact me.

Regards,

Dr. Tarlochan S. Nahal

Ph (408) 972-2400

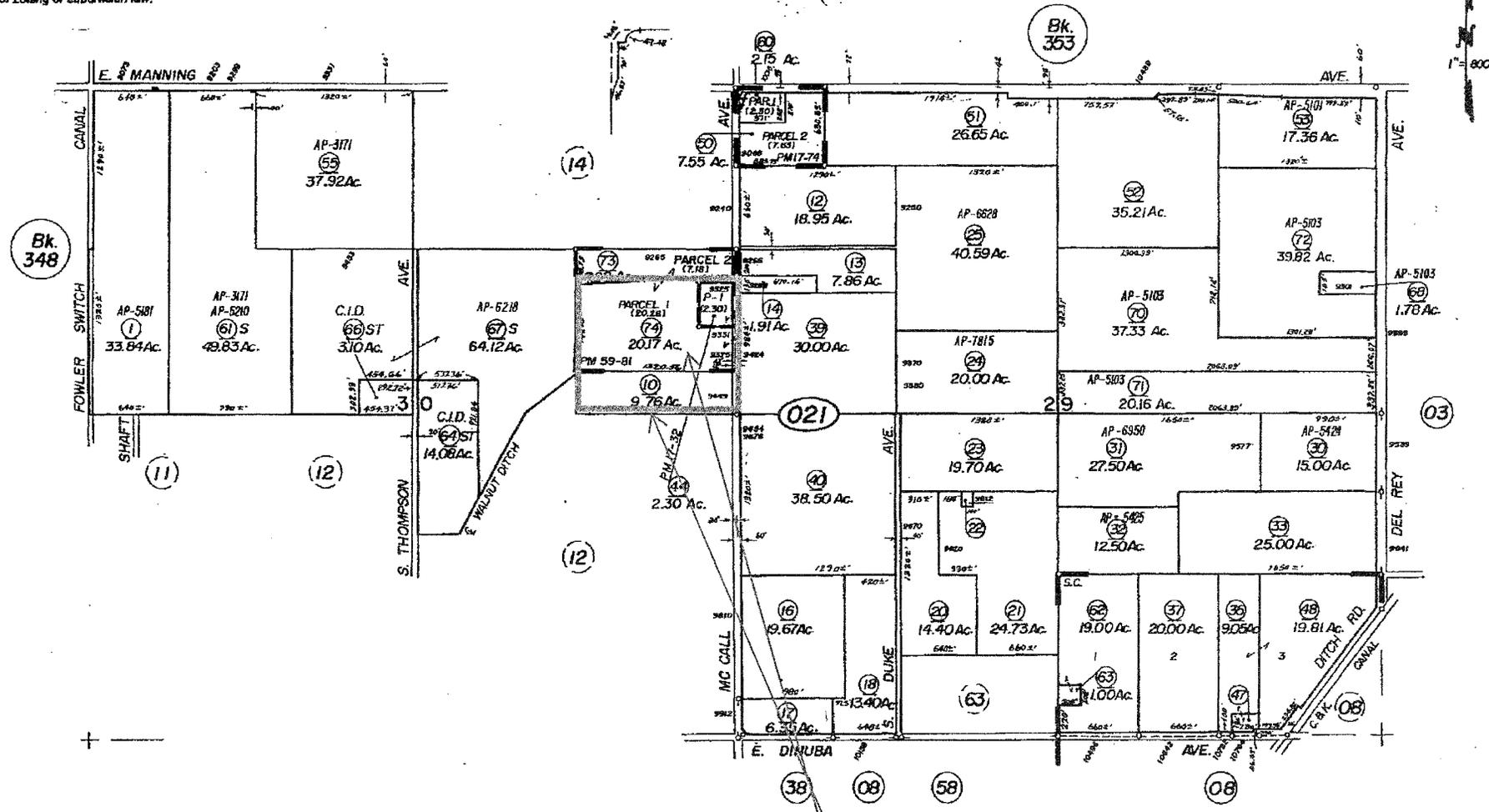
<Final EIR Selma General Plan Update 2035\_July 2010.pdf>

<APN\_map\_Selma Property.pdf>

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY SHALL BE ASSUMED BY THE COUNTY OF FRESNO FOR THE ACCURACY OF THE DATA SHOWN. PARCELS NOT SUBDIVIDED SHALL BE SHOWN AS ONE PARCEL.  
 B.S. BROWN & M. Tax Rate Area 100-000  
 COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

358-02

— 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.



Agricultural Preserve  
 Shaw's Colony - Plat Bk. 2, Pg. 12  
 Parcel Map No. 2703 - Bk. 17, Pg. 74  
 Parcel Map No. 2630 - Bk. 17, Pg. 32

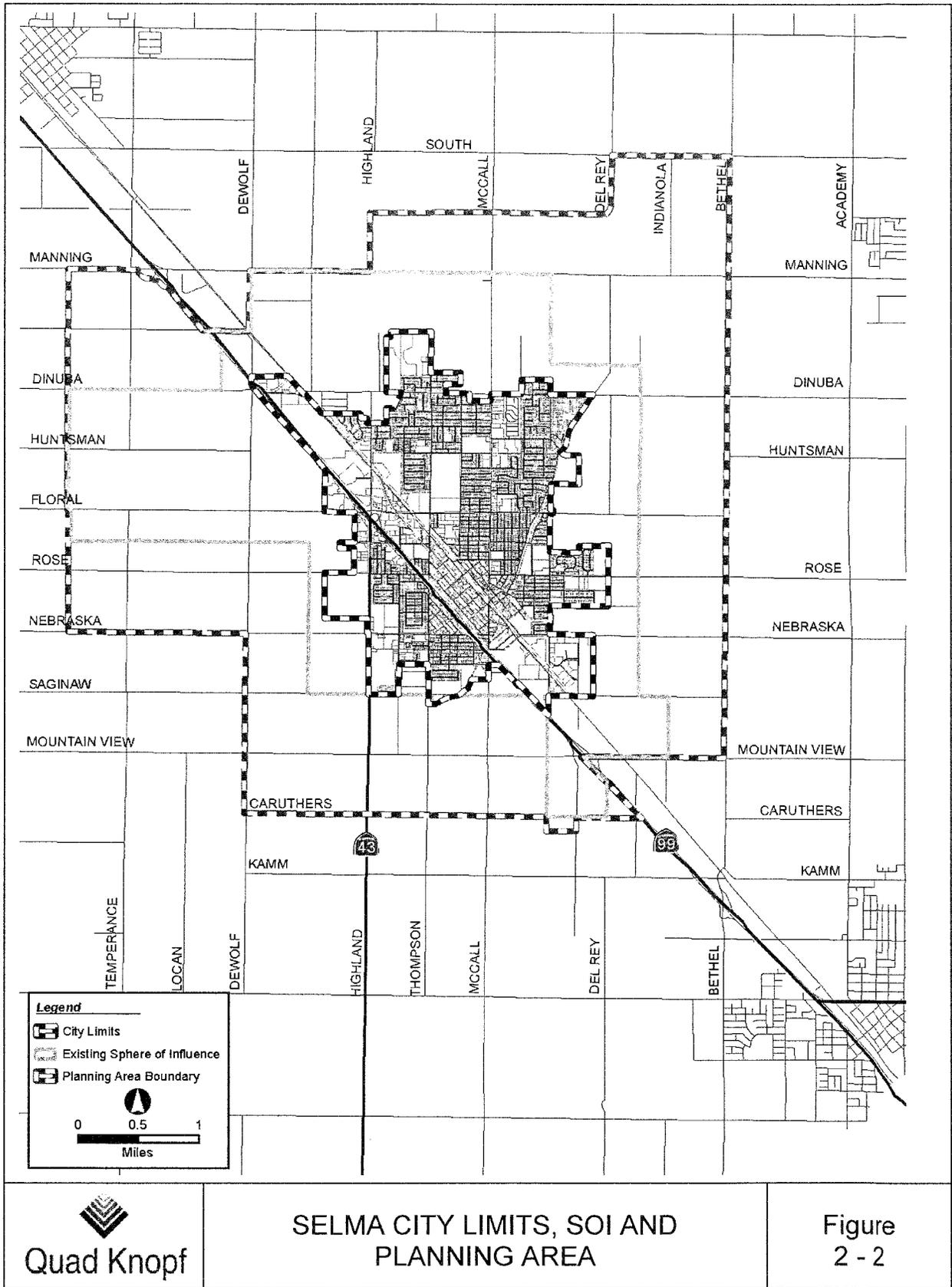
Parcel Map No. 7718 - Bk. 59, Pg. 81

Assessor's Map Bk. 358 - Pg. 02  
 County of Fresno, Calif.

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

JUN 19 2003

Yr-1976



## ATTACHMENT C

### Mollring, Marianne

---

**From:** Ahmad, Ejaz  
**Sent:** Monday, June 25, 2018 11:03 AM  
**To:** tnahal10@gmail.com  
**Cc:** Mollring, Marianne  
**Subject:** Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74  
**Attachments:** 06182018\_TNahal\_Fresno County Letter-2.jpg

Mr. Nahal:

I am in receipt of your email and the attached letter. This is the only letter I received so far. This letter has also been received via fax. The letter contains the same information your email below from June 19<sup>th</sup> contains and will be presented to the Planning Commission for their consideration. Thanks

Ejaz

**From:** Tarlochan S. Nahal <tnahal10@gmail.com>  
**Sent:** Saturday, June 23, 2018 5:12 PM  
**To:** Ahmad, Ejaz <EAhmad@fresnocountyca.gov>  
**Cc:** Tarlochan S. Nahal <tnahal10@gmail.com>; Harpaul Nahal <harpaul@nahallaw.com>  
**Subject:** Re: Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74

Dear Ahmad Ejaz,

I got your phone message yesterday indicating that you have not received my signed letter and you have asked me to send it to you via email. Attached is my signed letter. I mailed my first letter on June 19, 2018 via mail and another letter today just in case you still did not get my letter. Please check your mail carefully. You should have received my first letter by now. You should also get my second letter by Tuesday.

As a backup measure, I am attaching a signed copy of the same letter with this email. I have already emailed you the APN map showing my property next to the property where someone is trying to install solar panels. In addition, I have already emailed you a map of the City of Selma General Plan showing that my property and all the properties in the neighborhood are well within the sphere of influence of the City of Selma. Many of these properties were supposed to have houses built by now, but due to economic downturn 10 years ago, it did not happen. As a matter of fact, the property where solar panels are proposed was supposed to many houses built on it. So all these properties are really marked as future residential and other such community uses.

Do you know that there is a Grace Free Will Baptist Church at 9533 McCall Ave Selma, California with a school within roughly 100 yards from the proposed Solar Panel project? It is a very popular and heavily attended church. A lot of children attend the school over there. They are my next door neighbors on the south side. We share a common fence. Installing solar panel system of such a massive scale would be detrimental to the health of the current and future neighbors not to mention that it will replace a beautiful vineyard and landscape with an ugly outfit continuously emitting dangerous electromagnetic and cancer causing signals.

Again, I vehemently oppose any solar panel project on the aforementioned property, Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74.

If you have any difficulties opening the attached letter, please email me immediately and give me your Fax number. I can Fax it to you. If I do not hear from you by Monday noon, then I would assume you have received my signed letter both via US postal mail and email.

If you have any questions, please feel free to contact me.

Thanks

Tarlochan S. Nahal

Ph (408) 972-2400

On Tue, Jun 19, 2018 at 11:30 AM Ahmad, Ejaz <[EAhmad@fresnocountyca.gov](mailto:EAhmad@fresnocountyca.gov)> wrote:

Thanks Mr. Nahal for your comments on the project and will be provided to the Planning Commission. Thanks

Ejaz

---

**From:** Tarlochan S. Nahal <[tnahal10@gmail.com](mailto:tnahal10@gmail.com)>

**Sent:** Tuesday, June 19, 2018 10:23 AM

**To:** Ahmad, Ejaz <[EAhmad@fresnocountyca.gov](mailto:EAhmad@fresnocountyca.gov)>

**Cc:** Tarlochan S. Nahal <[tnahal10@gmail.com](mailto:tnahal10@gmail.com)>; Harpaul Nahal <[harpaul@nahallaw.com](mailto:harpaul@nahallaw.com)>

**Subject:** Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74

## County of Fresno

### Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

#### **CAUTION!!!**

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I strongly oppose this project on the following grounds.

1. This project is not in line with the best use of this property which is a prime agriculture land and well within the sphere of influence of the City of Selma.
2. Since the city is eventually going to grow in that direction and all the neighboring land is already marked as future residential as per the latest City Plan, it will make all the neighboring properties less desirable including mine. I am the next door neighbor.
3. This project will adversely affect the environment and will be disastrous for the current and future neighborhood.
4. Solar components radiate high levels of radio frequency electromagnetic radiation, which poses health risks to those with electromagnetic hypersensitivity (EHS). The primary health hazard involved with solar energy generation is that people with EHS get sick from electromagnetic radiation in even very small amounts.
5. Installing solar panel on this property would be one of the worst possible uses for this land and it can have an adverse effect on the health of neighbors due to this dangerous equipment that will emit electromagnetic power continuously. In addition, it will result in environmental degradation and habitat loss.

Attached is the APN map and the City of Selma Sphere of Influence and Planning Area map.

Please do not approve this project.

If you have any questions, please feel free to contact me.

Regards,

Dr. Tarlochan S. Nahal

Ph (408) 972-2400

June 18, 2018  
4471 Park Bristol Place  
San Jose, CA 95136

To:

Ejaz Ahmad  
Dept. of Public Works and Planning  
2220 Tulare Street (Corner of Tulare and M Streets, Suite A)  
County of Fresno  
Fresno, CA 93721

**Subject: Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74**

Dear Mr. Ahmad,

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I strongly oppose this project on the following grounds.

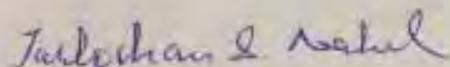
1. This project is not in line with the best use of this property which is a prime agriculture land and well within the sphere of influence of the City of Selma.
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Regards,



Dr. Tarlochan S. Nahal

Ph (408) 972-2400

**ATTACHMENT D**

|   |  |   |  |                                    |                   |
|---|--|---|--|------------------------------------|-------------------|
| File original and one copy with:<br><b>Fresno County Clerk<br/>2221 Kern Street<br/>Fresno, California 93721</b>  |  | Space Below For County Clerk Only.<br><br>CLK-2046.00 E04-73 R00-00 |  |                                    |                   |
| Agency File No:<br>IS 7444  |  | <b>LOCAL AGENCY<br/>PROPOSED MITIGATED<br/>NEGATIVE DECLARATION</b> |  | County Clerk File No:<br><b>E-</b> |                   |
| Responsible Agency (Name):<br>Fresno County   |  | Address (Street and P.O. Box):<br>2220 Tulare St. Sixth Floor       |  | City: Zip Code:<br>Fresno 93721    |                   |
| Agency Contact Person (Name and Title):<br>Ejaz Ahmad, Planner  |  |   | Area Code:<br>559  | Telephone Number:<br>600-4204      | Extension:<br>N/A |
| Applicant (Name): ForeFront Power, LLC  |  |   | Project Title:<br>Unclassified Conditional Use Permit Application No. 3611 |                                    |                   |
| Project Description:<br>Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17- acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Ave., Selma CA) (SUP. DIST. 4) (APN 358-021-74).   |  |   |  |                                    |                   |
| Justification for Mitigated Negative Declaration:<br>Based upon the Initial Study (IS 7444) prepared for Unclassified Conditional Use Permit Application No. 3611, staff has concluded that the project will not have a significant effect on the environment.<br><br>No impacts were identified related to cultural resources, mineral resources, population and housing or recreation.<br><br>Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.<br><br>Potential impact related to aesthetics, agricultural and forestry resources, and biological resources have been determined to be less than significant with the identified mitigation measure.<br><br>The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California. |  |   |  |                                    |                   |
| FINDING:<br>The proposed project will not have a significant impact on the environment.   |  |   |  |                                    |                   |
| Newspaper and Date of Publication:<br>Fresno Business Journal – August 1, 2018  |  |   | Review Date Deadline:<br>Board of Supervisor's: August 21, 2018            |                                    |                   |
| Date:<br>August 21, 2018  | Type or Print Name:<br>Marianne Mollring, Senior Planner |   | Submitted by (Signature):  |                                    |                   |

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7444/Unclassified Conditional Use Permit Application No. 3611**  
**(Including Conditions of Approval and Project Notes)**

| <b>Mitigation Measures</b>     |                                     |   |                                      |  |                              |
|--------------------------------|-------------------------------------|---|--------------------------------------|--|------------------------------|
| <b>Mitigation Measure No.*</b> | <b>Impact</b>                       | <b>Mitigation Measure Language</b>  | <b>Implementation Responsibility</b> | <b>Monitoring Responsibility</b>                                       | <b>Time Span</b>             |
| 1.                             | Aesthetics                          | All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.   | Applicant                            | Applicant/Fresno County Department of Public Works and Planning (PW&P) | As long as the project lasts |
| 2.                             | Agricultural and Forestry Resources | The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided). | Applicant                            | Applicant/PW&P   | As long as the project lasts |
| 3.                             | Agricultural and Forestry Resources | 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 as nearly as practical to its original condition at the cessation of the operation of the solar power generation facility.  | Applicant                            | Applicant/PW&P   | As long as the project lasts |
| 4.                             | Agricultural and Forestry Resources | The project shall comply with the Pest Management Plan, prepared by ForeFront Power, LLC and dated January 31, 2018, in order to control weeds and rodents on the property that may impact adjacent properties.   | Applicant                            | Applicant/PW&P/ Ag Commissioner's office                               | As long as the project lasts |
| 5.                             | Biological Resources                | A 14-day preconstruction site survey shall be conducted to prevent inadvertent take of burrowing owls. If burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.  | Applicant                            | Applicant/California Department of Fish & Wildlife (CDFW)              | As noted                     |
| 6.                             | Biological Resources                | No ground disturbances shall occur during nesting season (between February and August) without a clearance survey by a qualified biologist to ensure that no nesting birds are impacted.  |                                      | Applicant/CDFW   | As noted                     |

**Conditions of Approval**

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| 1.  | Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission, except as modified by the Commission or Site Plan Review.   |
| 2.  | 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 substations, inverters, perimeter access roads, 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. |
| 3.  | The life of this land use permit will expire upon expiration of the 25-year initial life of the project. If the solar lease is to be extended or the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained.   |
| 4.  | The project shall comply with the information in response to the Solar Facility Guidelines attached as Exhibit 7 to the Staff Report and as approved and/or modified by the 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 Fresno County Department of Public Works and Planning.   |
| 6.  | The subject parcel contains a Consolidated Irrigation District (CID) canal and farmer lateral pipeline and associated easement. The CID pipeline shall be examined prior to construction and, if determined necessary by CID to support construction vehicle weights, the Applicant shall be required to upgrade the pipeline to CID's standards at the location of the crossing.  |
| 7.  | Proposed improvement area of 500 square feet or more requires submittal of Landscape and Irrigation Plans per the Governors Drought Executive Order of 2015 which shall be submitted to the Site Plan Review (SPR) Unit and City of Selma for review and approval prior to the issuance of Building Permits.   |
| 8.  | 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.   |
| 9.  | A dust palliative shall be required for all unpaved parking and circulation areas to prevent the creation of dust by vehicles.   |
| 10. | The Applicant shall obtain an encroachment/improvement permit from the Road Maintenance and Operations Division for temporary access for construction off McCall Avenue at the location shown on the Site Plan (Exhibit 5). This access point will be active for a period of less than one year, until construction is completed.  |

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

## Notes

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

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| 1. | This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.   |
| 2. | Construction Plans shall be submitted and Building Permits and inspections shall be required for all improvements, including solar array installation and fences over six feet in height. Construction Plans shall be prepared by a licensed Design professional. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 regarding permits for construction.  |
| 3. | <p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li></ul>  |
| 4. | <p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"><li>• An Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties.</li><li>• A grading permit or voucher for any grading proposed with this application.</li><li>• Any additional runoff generated by the proposal shall be retained or disposed of per County Standards.</li><li>• Direct access to McCall Avenue (Arterial) shall be limited to one common point and no new access points shall be allowed without prior approval and any existing driveway shall be utilized.</li><li>• If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the driveway onto McCall Avenue.</li><li>• An on-site turnaround area shall be provided so that the vehicles do not back out onto the roadway (McCall Avenue).</li></ul> |
| 5. | <p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires the project to pay applicable off-site Mitigation Fees to the Air District prior to issuance of the first Grading/Building Permit and be subject to the following:</p> <ul style="list-style-type: none"><li>• District Regulation VIII (Fugitive PM10 Prohibitions)</li><li>• Rule 4601 (Architectural Coatings)</li><li>• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)</li><li>• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed</li><li>• Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials</li></ul>   |

| <b>Notes</b> |   |
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| 6.           | <p>To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.</li> <li>• Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li> <li>• Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</li> <li>• All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> </ul> <p>Note: These requirements will be addressed through Site Plan Review.</p> |
| 7.           | Any future development on the property shall comply with the requirements of the current Fire Code and Building Code and be subject to annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.   |
| 8.           | The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fresno County Fire Protection District prior to issuance of building permits by the County. Further, the property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.  |
| 9.           | If the Generation Tie Line is located within County right(s)-of-way, the Applicant shall enter into a franchise agreement with the County of Fresno for the connection path.  |
| 10.          | Any work performed within the County right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.  |
| 11.          | 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.   |

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