

Item #13
1-10-17

AGREEMENT OF PURCHASE AND SALE
AND
JOINT ESCROW INSTRUCTIONS

TRUE ORGANICS PRODUCTS LLC. (Buyer)
BRITZ HELM T.I.C. (Seller)
66.96 ACRES 20225 W KAMM AVE. HELM CALIFORNIA

34. Heirs and Assigns. Subject to the provisions regarding assignment set forth above, this Agreement shall bind and inure to the benefit of the respective heirs, representatives, successors and assigns of the parties hereto.

35. Counterpart Execution. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Delivery of the executed Agreement may be accomplished by fax or electronic mail, and if so done, the fax copy or electronically mailed copy shall be deemed an executed counterpart of this Agreement.

36. Dates for Performance. In the event the date for performance of any act required hereunder, such as giving notice, making a deposit, beginning or end of a period, falls on a Saturday, Sunday or legal holiday, such date shall be extended to the next business day afterward that is not a Saturday, Sunday or legal holiday.

37. Use of Adjacent Property For Solar Energy Generation. Seller owns property which is adjacent to the property which is being purchased by Buyer pursuant to this Agreement. Seller may lease or sell all or part of the adjacent property to a solar energy company for use by it in the generation of solar energy. Buyer agrees not to object to such use, including, but not limited to an objection to the issuance of a Conditional Use Permit by the County of Fresno. Seller and Buyer agree that neither will object to the use made on the adjoining parcels Therefore, so long as Seller or the entity to whom Seller sells or leases the adjacent parcel does not oppose development or use on the Property being acquired by True Organic Products Inc. , True Organic Products Inc agrees not to object to the use by Seller or the entity who leases or purchases the adjacent property , including, but not limited to an objection to the issuance of a Conditional Use Permit by the County of Fresno. In summary, this is a mutual agreement that neither property owner or user/ lessee will object to the proposed or actual use or issuance of a conditional use permit or other governmental approvals of the other property.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date written below,

Seller: Britz Helm T.I.C.

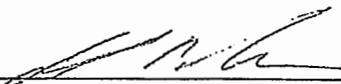
By: David Britz

Print: David Britz

Its: partner

Date: 12-6-13

**Buyer: True Organic Products Inc.
a California corporation**

By: 
Jake Evans, CEO & President

Date: 12-16-13



**DEVELOPMENT
ASSOCIATES, LLC**

**RECEIVED
COUNTY OF FRESNO**

JAN 06 2017

**DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION**

906 "N" Street Suite 100 Fresno CA 93721 Phone: 559.497.1900 Fax: 559.497.0301
www.soldevelopment.com

TRANSMITTAL

TO: Planner Chris Motta
Fresno County Department of Public Works and Planning
2220 Tulare Street, Street Level
Fresno, CA 93721

FROM: Bill Robinson *[Signature]*

DATE: January 6, 2017

SUBJECT: **GASNA 6P
Solar Frontier SJ 1A Solar Project
Gen-tie and Crescent Switch siting, UCUP 3531**

- | | |
|---|--|
| <input checked="" type="radio"/> For your records/use | <input type="radio"/> Please review |
| <input type="radio"/> Per your request | <input type="radio"/> For review and comment |
| <input type="radio"/> For processing/payment | <input type="radio"/> For signature and return |

NOTES/COMMENTS:

During preparation for the Board appeal hearing, the question arose as to why the new Crescent Switch Station was not located at the San Joaquin 1A project site. Solar Frontier and PG&E prepared the attached narrative and map to address that question. We request the attached be provided to the Supervisors for their information.

Please contact me if you have any questions.

Enclosed are seven copies for your use.

Thank you

Enclosures

Cc: Planner Ejaz Ahmad

JAN 06 2017

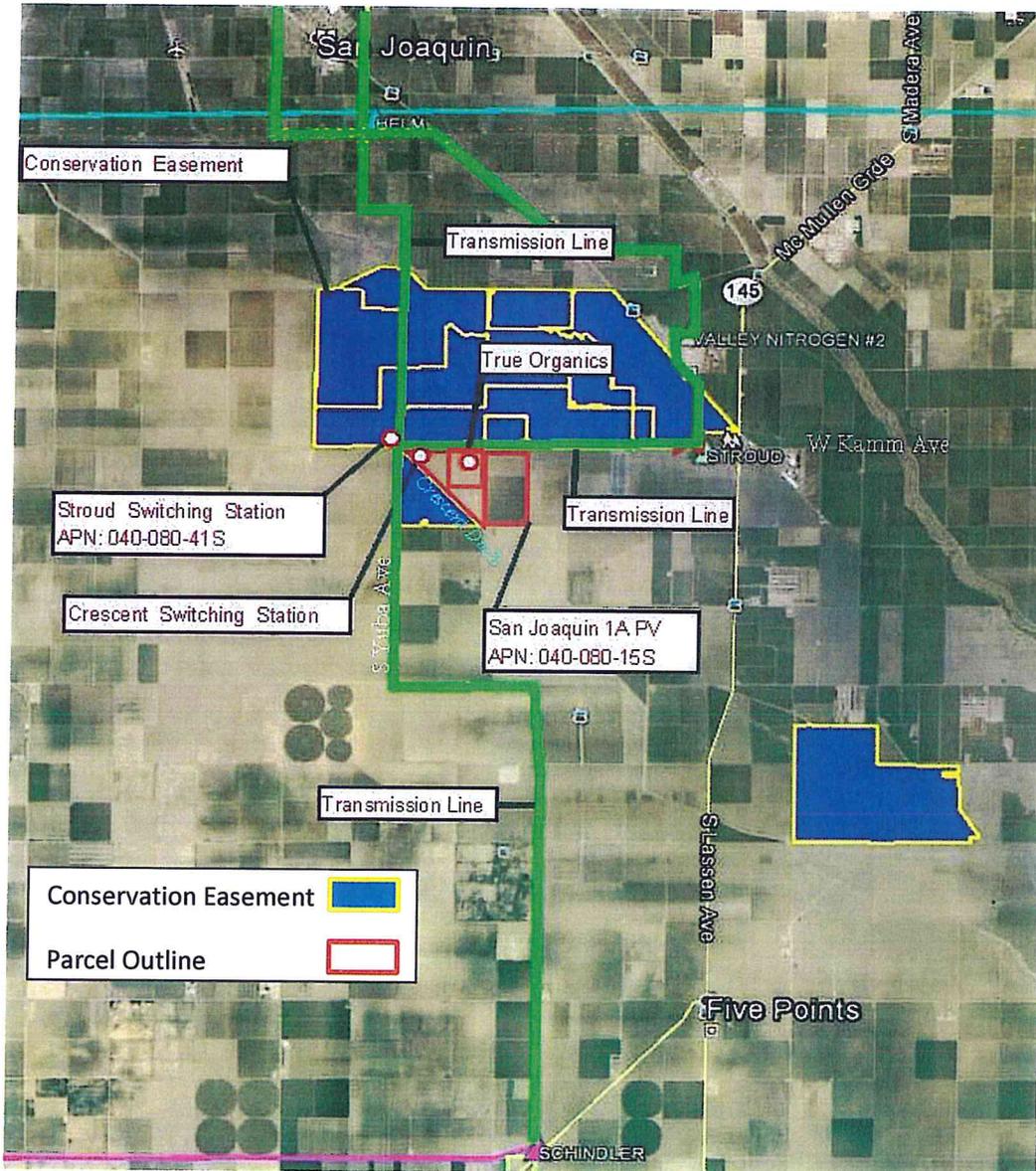
Sighting Considerations for Switching Station in Unclassified Conditional Use Permit 3531

The existing PG&E 70 kV Stroud Switching Station is located on approximately 1 acre of land about 1 mile west of the previously approved San Joaquin 1A (SJ1A) PV project (UCUP 3291), and approximately 800 feet northwest of the location where the switching station is proposed to be relocated and renamed the Crescent Switching Station (see attached Figure 1). The existing switching station is bordered on the south by Kamm Avenue and to the north, east and west by private properties enrolled in the Wetlands Reserve Easement Program (shown in blue on the attached Figure 1). The proposed Crescent Switching Station would be constructed together with the gen tie line on unencumbered land south of West Kamm Avenue adjacent to the Crescent Ditch.

Lacking room to expand the existing Stroud Switching Station at its current location, PG&E determined that a new location would be required. Typically, when moving high voltage electric infrastructure, utilities attempt to relocate to an area that is close to existing transmission lines, substations, and related facilities in order to minimize retrofits, land use, zoning and real estate impacts. Relocating the existing switching station to land located immediately to the north, west and east is not an option because of the wetlands and related conservation easements encumbering those lands. The land located directly south of the Crescent Ditch is also not an option because it too is encumbered by a conservation easement, and land to the south/southwest is already secured by a lease contract. Relocating the new switching station to the SJ1A PV Solar Project site would require additional costly electric system retrofits and the rerouting of overhead high voltage transmission lines that would require numerous new 75' to 130' poles along West Kamm Avenue to facilitate a double circuit between the solar project site and the existing high voltage transmission lines at South Yuba Avenue. Based on the aforementioned limitations, PGE narrowed its focus for the siting of the new Crescent Switching Station to the current proposed location on parcel 040-080-41S.

Ultimately, PG&E did not choose to locate the proposed Crescent Switching Station next to the SJ 1A PV Solar Project because it is more advantageous to purchase and entitle land closer to existing high voltage transmission infrastructure at Kamm and Yuba Avenues. Fewer high voltage transmission lines to re-route and less land to acquire/entitle provides more benefit to rate payers by reducing costs and limiting impacts to the local area where the new facility is proposed.

Figure 1 | Vicinity Map





For Office Use Only

Date received: 11/28/2016
 Copied to: Kettler, Motte, Wilk
 Date copy sent: 11/28/16
 Hearing set for: _____

RECEIVED
 NOV 28 2016

LAND USE APPEAL

Date: 11/28/1980

BERNICE E. SEIDEL, Clerk, Board of Supervisors
 Hall of Records, Room 301
 2281 Tulare
 Fresno, CA 93721

CLERK, BOARD OF SUPERVISORS
APPEAL FEE: \$508.00
 (Fee must accompany appeal)
 (Fee not applicable if appeal is only on GPA
 with no concurrent applications)

I wish to appeal the Planning Commission's/Director's decision to deny approve
 *VA, CUP, JT, AA, GPA, AT, DRA Application/s No/s. 3531 on Nov 10, 2016
 (Circle Applicable Application/s) (PC Hearing Date)

for the following **specific reason/s** (Note: Disregard if GPA appeal): The proposed use will create adverse consequences to existing and proposed agricultural uses. Alternatives to components of the proposed use that would mitigate impacts have been refused by the project applicant. For these reasons and others, the project should not be approved as proposed.

Please notify me of the date and time of the appeal hearing before the Board of Supervisors.

Appellant
Jake Evans
 (Name)
20225 W. Kamm Ave., Helm
 (Address) (City)
93627
 (Zip Code) (Daytime Phone No.)

Agent (if applicable)
Nicolas H Pittman
 (Name)
20225 W. Kamm Ave., Helm
 (Address) (City)
93627 559-217-0943
 (Zip Code) (Daytime Phone No.)

If appellant is not the applicant, please provide: Applicants Name: Nicolas Pittman

[Signature]
 (Signature)

*Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.



County of Fresno

BOARD OF SUPERVISORS

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Notice of hearing before the Board of Supervisors of the County of Fresno on **INITIAL STUDY APPLICATION NO. 7146** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3531** filed by **GASNA 6P LLC**: Note: On November 10, 2016, the Fresno County Planning Commission approved this application, and on November 28, 2016, an appeal was filed by Jake Evans to the Fresno County Board of Supervisors for consideration.

Notice is hereby given that the Board of Supervisors of the County of Fresno has set this hearing for Tuesday, January 10, 2017, at 9:00 a.m. or as soon thereafter at the Board of Supervisors Chambers, Room 301, Hall of Records, 2281 Tulare St., Fresno, California as the time and place for holding a public hearing on the following matters:

The project for purposes of review under the California Environmental Quality Act (CEQA) consists of two components: a 70 kV Generation Tie Line that is the subject of Unclassified Conditional Use Permit (CUP) Application No. 3531, and a 70 kV Switching Station that will be constructed under California Public Utilities Commission (CPUC) jurisdiction. The 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility that was authorized by CUP No. 3291 in accordance with a Mitigated Negative Declaration that was adopted by the Fresno County Planning Commission on November 3, 2011, to the new 70 kV Switching Station, which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the new switching station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed, owned and operated by Pacific Gas and Electric (PG&E). The Generation Tie Line will occupy approximately 15.5-acre and Switching Station will occupy 13-acre portion of a 182.7-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the south side of W. Kamm Avenue approximately 3.3 miles west of the intersection of W. Kamm Avenue and S. Lessen Avenue (State Route 145) and 4.8 miles south of the nearest City Limit of the City of San Joaquin (SUP. DIST.: 1) (APN: 040-080-41S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7146, and approve Unclassified Conditional Use Permit Application No. 3531 with Findings and Conditions.

Please see map on reverse side

For more information contact **Ejaz Ahmad**, Department of Public Works and Planning, 2220 Tulare Street (Corner of Tulare & "M" Streets, Suite A), Fresno, CA 93721, telephone (559) 600-4204, email eahmad@co.fresno.ca.us.

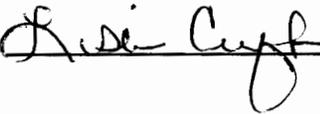
The Agenda and Staff Reports will be on the Fresno County web site
<https://fresnocounty.legistar.com/Calendar.aspx>
by Wednesday, January 4, 2017 by 6:00 p.m.

NOTES:

- Anyone may testify, please share this notice with your neighbors or anyone you feel may be interested.
- The Board of Supervisors will also accept written testimony such as letters, petitions, and statements. In order to provide adequate review time for the Board of Supervisors, please submit these documents to the Clerk to Board prior to the hearing date.
- If at some later date you challenge the final action on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

DATED: November 21, 2016

BERNICE E. SEIDEL
Board of Supervisors

By  _____, Deputy



County of Fresno

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Bernice E. Seidel
Clerk

AFFIDAVIT OF MAILING

I declare that on **December 21, 2016**, at the request of the Fresno County Board of Supervisors, I mailed a notice like the one hereto attached with reference to:

Notice of hearing before the Board of Supervisors of the County of Fresno on on **INITIAL STUDY APPLICATION NO. 7146** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3531** filed by **GASNA 6P LLC**, pursuant to Board of Supervisors' direction.

Notice is hereby given that the Board of Supervisors of the County of Fresno has set this hearing for Tuesday, January 10, 2017, at 9:00 a.m. or as soon thereafter at the Board of Supervisors Chambers, Room 301, Hall of Records, 2281 Tulare St., Fresno, California as the time and place for holding a public hearing on the following matter:

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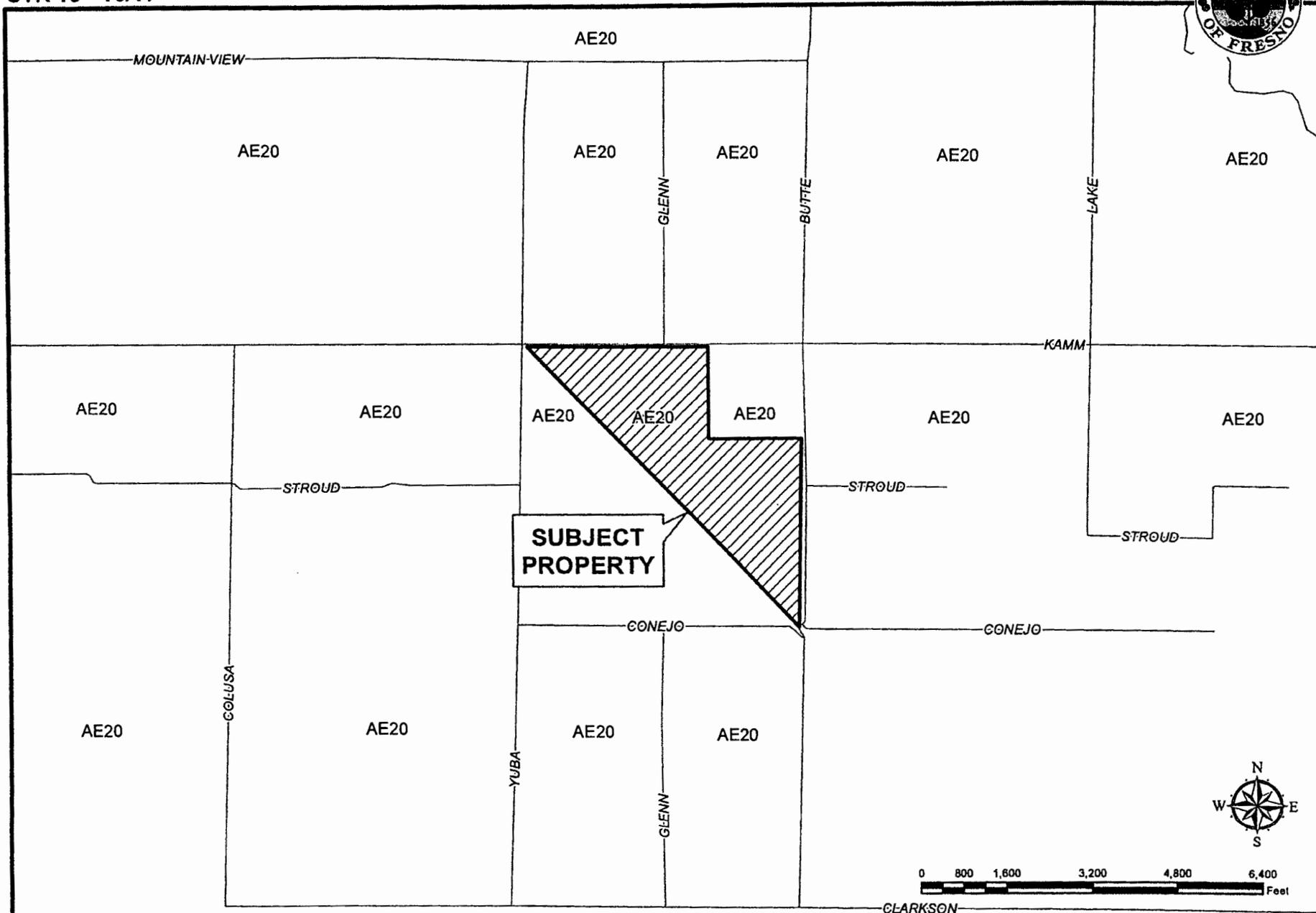
by depositing in the United States Post Office at Fresno, California, a copy of said notice enclosed in an envelope with postage prepaid, addressed to each of the owners at their addresses, all as shown on the current Fresno County Assessment Roll and shown on the property list compiled from said rolls and in the file of the case.

This declaration is made under penalty of perjury.

By


Deputy

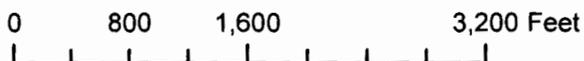
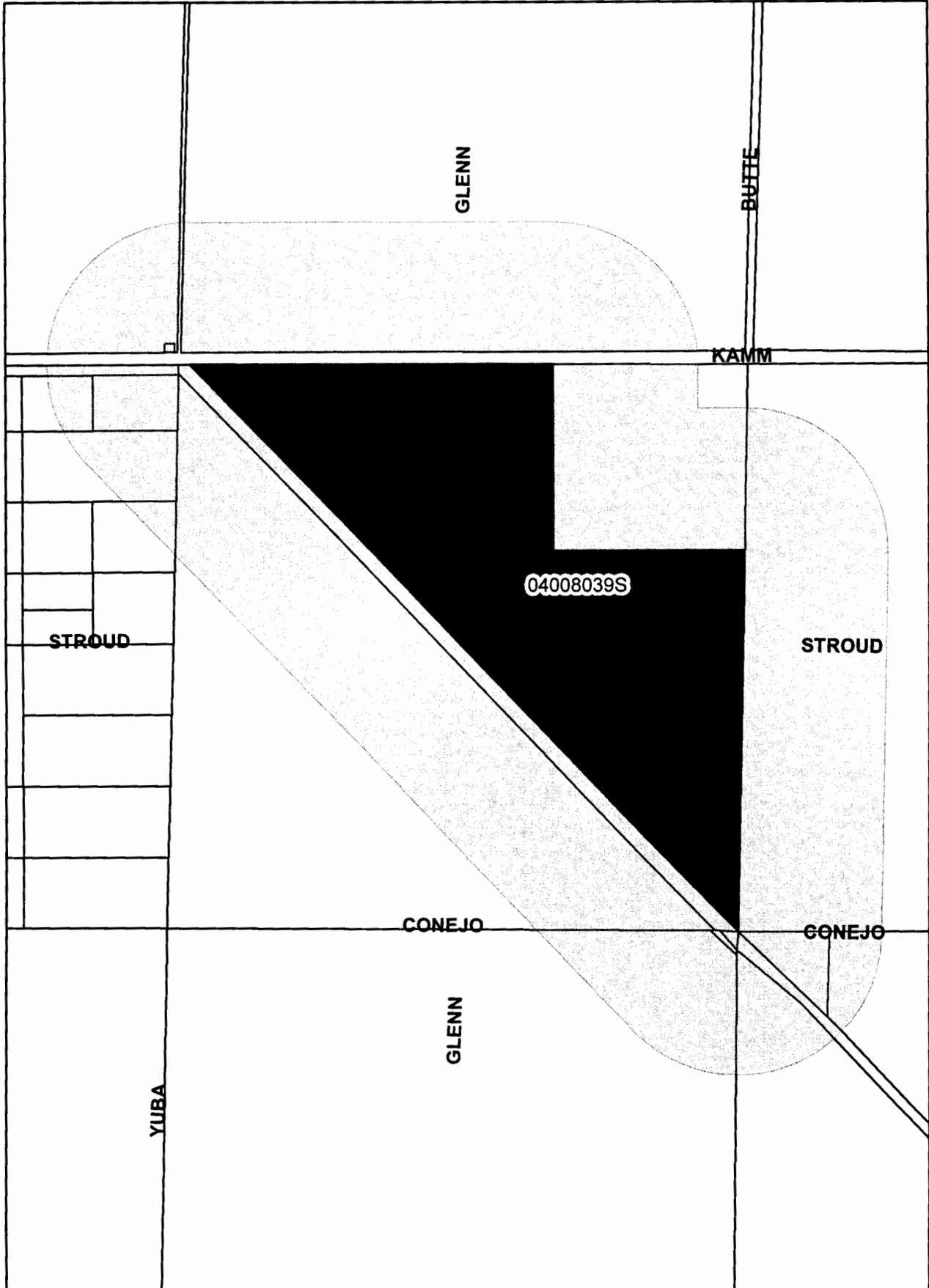
EXISTING ZONING MAP





CUP3531

APN LIKE '04008039S%' Buffer: 1320 Feet



Date: 9/19/2016