



Inter Office Memo

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

DATE: November 14, 2024

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13066 – ENVIRONMENTAL IMPACT REPORT NO. 7869
and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3677

APPLICANT EDPR CA SOLAR PARK VI LLC

OWNER: Westlands Water District

REQUEST: Allow the construction, operation, maintenance, and decommissioning of the Sonrisa Solar Project (Project), of a photovoltaic (PV) solar electricity generating up to 200 megawatts and energy storage facilities with a capacity of approximately 184 megawatts on approximately 2,000 acres.

The Project would connect to the electrical grid via an approximately 0.2-mile gen-tie connection to an existing 3.3 mile long 230 kilovolt (kV) gen-tie through an adjacent energy project which connects to the existing Tranquillity Switching Station, which is operated by Pacific Gas and Electric Company (PG&E). The requested term for the CUP is 35 years.

LOCATION: The approximately 2,000-acre site is located in western Fresno County, generally bounded by State Route 33 (SR 33 also known as S. Derrick Avenue) to the west, West Manning Avenue to the south, S. Merced Avenue to the east, and W. Adams Avenue to the north. W. South Avenue bisects the site from east to west, approximately 7 miles west of the unincorporated community of Tranquillity.

RESOLUTION NO. 13066

PLANNING COMMISSION ACTION:

At its hearing of November 14, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Quist and seconded by Commissioner Abrahamian to determine that the Final Environmental Impact Report was presented to, reviewed and considered by the Planning Commission; determine the certification of the Final EIR reflects the Planning Commission's independent judgement; and adopt the CEQA Findings of Fact and certify the Environmental Impact Report for the project EIR No. 7869, and approve Unclassified Conditional Use Permit No. 3677, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Quist, Abrahamian, Arabian, Borchardt, Hill, and Quist
	No:	None
	Absent:	Commissioners Arceo, Carver, Whelan and Zante

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By:



Chris W. Motta, Manager
Development Services and Capital Projects Division

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Attachments

EXHIBIT A

Environmental Impact Report No. 7869
Unclassified Conditional Use Permit Application No. 3677

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 14, 2024, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions; described the project and added the following information to clarify the project and offered the following information to clarify the intended use:
- EDP Renewables is the owner, developer and operator of this project.
 - We are proposing this project adjacent to our approved Scarlet Solar Project which is currently under construction.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

SONRISA SOLAR PARK PROJECT; UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3677; EIR NO. 7869

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
General: Applicable to Multiple Issue Areas				
1. Compliance with Applicable Laws and Standards	Applicant Proposed Measure (DEIR §2.9.4), Compliance with Applicable Laws and Standards: The Applicant shall comply with all applicable laws and standards, including, but not limited to, those governing the use, storage, and disposal of hazardous materials; worker training and safe work practices; air quality (such as the San Joaquin Valley Air Pollution Control District's indirect source rule and fugitive dust regulation); water quality; and energy storage systems more generally. Compliance with these requirements would avoid or reduce potential adverse environmental impacts to soil, air quality, surface water and groundwater quality, human health, fire-related risk, and other environmental considerations.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During all phases of the Project.
Aesthetics				
1. Glare and Lighting	Applicant Proposed Measure (DEIR §2.9.2), Solar Technology – Glare and Lighting: The Project shall use solar panels that have a low profile (no more than 9 feet high at the highest point during the day) to minimize visual impacts. Solar panels are designed to be anti-reflective. Nighttime exterior lighting impacts shall be minimized by the use of manually controlled lights. All exterior lighting shall be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During all phases of the Project.
Biological Resources				

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
1. Pest Control, Noxious Weeds	Applicant Proposed Measure (DEIR §2.9.3), Pest Control: The Applicant shall implement an Integrated Pest Management Plan to prevent noxious weeds from invading onto immediately adjacent agricultural lands, protect special status and other biological resources surrounding the Project site from the potential for harmful effects of noxious weeds that could result from Project activities, avoid unintended harm from noxious weed management techniques, and manage potential pest populations. A plan for noxious weed control is provided in DEIR Appendix B-2, <i>Weed Control Plan</i> . A plan for rodent control is provided in DEIR Appendix B-3, <i>Rodent Control Plan</i> .	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During all phases of the Project.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1: Project construction and decommissioning could have a substantial adverse direct or indirect impact on special-status species.	Mitigation Measure 4.5-1: Protection of Special-Status Species During Construction. Preconstruction surveys shall be conducted by a qualified biologist for the presence of San Joaquin kit fox and burrowing owl within 14 days prior to commencement of construction activities pursuant to the USFWS (2011) <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox</i> and CDFW (2012) staff report for burrowing owl. Staff Report on Burrowing Owl Mitigation. The surveys shall be conducted in areas of suitable habitat for San Joaquin kit fox and burrowing owl. Areas that have been disked or cultivated within 12 months prior to the start of ground-disturbing activities are not considered suitable. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to disturbance within active portions of the site. If no potential San Joaquin kit fox dens or burrowing owl burrows are identified, no further mitigation is required. If potential kit fox dens are observed and avoidance is determined to be feasible (as defined in CEQA Guidelines §15364 consistent with the USFWS [2011] <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox</i>) by a qualified biologist in consultation with the Project owner and the County, buffer distances shall be established prior to construction activities. If potential burrowing owl burrows are observed and avoidance is determined to be feasible (as defined in the CDFW 2012 staff report on burrowing owl) by a qualified biologist in consultation with the Project owner and the County, an exclusion plan will be developed with minimum buffer distances prior to construction activities.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Surveys to occur within 10 days prior to construction. Buffer distances and avoidance measures to be implemented prior to construction if necessary.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	• If kit fox are detected within the Project site and avoidance is not feasible, the Project owner shall initiate consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) pursuant to federal Endangered Species Act Section 7 and California Fish and Game Code section 2081(b), prior to initiating or resuming ground-disturbing activities. • In the event an active burrowing owl den is documented on the Project site and avoidance following the no-disturbance buffer recommendations outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) guidance document is not feasible, the Project owner shall consult with CDFW for guidance on take avoidance and minimization of harm to this species.			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1 (cont.)	Mitigation Measure 4.5-2: Worker Environmental Awareness Training and Best Management Practices for Biological Resources. During construction, operation and maintenance, and decommissioning of the facility, the Project owner and/or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox, burrowing owl, Swainson's hawk, and other special-status wildlife species: • Prior to the initiation of ground disturbing activities and for the duration of construction and decommissioning activities, the Project owner, or its contractor, shall implement a Worker Environmental Awareness Program (WEAP) to train construction and decommissioning personnel how to recognize and protect biological resources on the Project site. The WEAP training shall be conducted by a qualified biologist. Personnel shall sign a form provided by the trainer documenting their attendance and comprehension of the training. New personnel shall also be trained prior to joining existing work crews as the construction and/or decommissioning proceeds. The WEAP training shall include a review of the special-status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting the birds protected under the California Fish and Game Code and nesting birds protected under the MBTA; San Joaquin kit fox; burrowing owl; and Swainson's hawk. The WEAP training shall indicate the appropriate steps to be taken if a special-status species is observed, which may include work stoppage and coordination with the CDFW and USFWS.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Protection measures to be implemented during all project phases; WEAP training to occur prior to construction and decommissioning and repeated as necessary to train new personnel.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	• To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by construction personnel for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a special-status species is trapped, the USFWS and/or CDFW shall be contacted immediately.			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1 (cont.)	- All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected by construction personnel for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the qualified biologist. Any vertical tubes (e.g., solar mount poles, chain link fencing poles, or any other hollow tubes or poles) used on the Project site shall be capped immediately after installation to avoid entrapment of birds. - Vehicles and equipment parked on the site shall have the ground beneath the vehicle or equipment inspected by construction personnel for the presence of wildlife prior to moving. - Vehicular traffic shall use existing routes of travel. - Cross-country vehicle and equipment use outside of the Project properties shall be prohibited. - A speed limit of 20 miles per hour shall be enforced within all construction areas. - No work shall be conducted after sunset. - A long-term trash abatement program shall be established for construction, operation, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	(Corvus corax), coyote (Canis latrans), and feral dogs. • Prior to the use of rodenticides as part of any rodent control program during construction, operation, or decommissioning, a rodent control plan shall be developed by the Project owner in coordination with a biologist familiar with special-status species (e.g. San Joaquin kit fox, Swainson's hawk) that occur in the area and could be adversely affected by the use of rodenticides. The plan shall include goals and objectives of rodent control, including that rodent control will only be implemented in focused locations where rodent populations have exceeded acceptable levels and the types of rodent control methods, and shall include pre-use coordination with Fresno County Agricultural Commissioner for recommendation of select rodenticides or other control programs. The rodent control program shall be developed in consultation with			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1 (cont.)	- a qualified biologist and the Project owner to ensure that methods proposed to control rodents do not impact non-target species. For any rodenticide approved for rodent control, the product label shall be thoroughly examined prior to application to verify if any restrictions exist for application of the product within the range of the San Joaquin kit fox or other endangered or protected animals. Pellet bait rodenticide will be prohibited from use in areas accessible to San Joaquin kit fox. - Workers shall be prohibited from bringing pets (excluding service animals) to the Project site and from feeding wildlife in the vicinity. - No firearms shall be allowed on the Project site during construction, operation, or decommissioning. - Intentional killing or collection of any wildlife species shall be prohibited. - Fencing of the Solar Facility Project site shall incorporate wildlife-friendly fencing design. Fencing plans may use one of several potential designs that would allow kit foxes to pass through the fence while still providing for Project security and exclusion of other unwanted species (e.g., domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter spaced along the bottom of the fence to allow species such as San Joaquin kit fox access into and through the Project site would be appropriate designs.			
	Mitigation Measure 4.5-3: Swainson's Hawk Nest Avoidance. For Swainson's hawk, preconstruction activity surveys shall be conducted for Swainson's hawk nests in	Project owner and/or its designee to implement	Fresno County Department of Public Works and Planning.	Preconstruction surveys to be conducted prior to construction or

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). Timing and the number of phases of surveys can be adjusted based on the timing of the construction schedule. The surveys may be phased to coincide with active construction areas plus a 0.5-mile buffer of those areas. If an active Swainson's hawk nest is discovered during the nesting season (February 1 through September 15) within 0.5 mile of active construction, a qualified biologist should complete an assessment of the potential for current construction activities to impact the nest. The assessment would consider the type of construction activities (e.g., noise levels and duration), the location of construction relative to the nest and pre-existing disturbance levels (e.g., construction activities in historically agricultural land versus activities in non-agricultural land), the visibility of construction activities from the nest location	measure as defined.	Development Services Division, and/or its designee.	decommissioning activities as described. Measures to be implemented and buffers observed during construction and decommissioning.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1 (cont.)	(e.g., topography or vegetation that could block line-of-sight to the nest), the number of construction personnel required to perform activities within the setback, and other existing disturbances in the area that are not related to construction activities of this project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring required. When conducting the assessment, the biologist will consider the following levels of construction activity, with higher levels of activity requiring greater caution in determining setbacks: • Light construction activity such as fence installation and limited vehicle access. Noise levels generated by these construction activities would likely be similar to existing ambient noise levels in closer proximity to the occupied nests. • Moderate and/or isolated construction activity such as grading and construction of substation, substation-access road, inverter skids, and manual installation of solar panels. Noise levels generated by these construction activities would likely be similar to existing ambient noise levels beyond a moderate distance from the occupied nests. • Heavy construction activity across a large area of the Project and/or using louder equipment such as pile drivers, concrete saws, or jackhammers. Noise levels for this type of activity will depend on location of the activities relative to the nest and allowing these activities within the 0.5-mile setback would require coordination with CDFW. In the event the assessment determines that construction activities could occur closer than 0.5 miles to an active nest, in no event would construction activities occur within 500 feet of an active nest without			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	approval from CDFW. Full-time monitoring to evaluate the effects of construction activities on nesting Swainson's hawks would be required where activity occurs closer than 0.5 miles. The qualified biologist shall have the authority to stop work if it is determined that project construction is disturbing nesting activities. These buffers may need to increase depending on the sensitivity of the nesting Swainson's hawk to disturbances and at the discretion of the qualified biologist. No avoidance would be needed if construction occurs near a known Swainson's hawk nest outside of the Swainson's hawk nesting season. In the event take cannot be avoided, the proponent shall confer with CDFW on the need for an incidental take permit and will comply with any specific-specific minimization and avoidance measures identified in the issued incidental take permit prior to the removal of active nest trees.			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1 (cont.)	Mitigation Measure 4.5-4: Protection of Migratory Birds and Other Raptors If construction or decommissioning is scheduled to commence outside of nesting season (September 16 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. During the nesting bird breeding season (February 1 to September 15), to avoid impacts to nesting birds in the Project site and immediate vicinity, a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site where vegetation removal or ground disturbance is planned. The survey shall be performed within the site and also include potential nest sites within 300 feet of the site in areas where access to neighboring properties is available or visible using a spotting scope. Surveys shall be conducted no more than 10 days prior to construction or decommissioning activities. If construction is halted for 10 days or more, the area shall be re-surveyed prior to re-initiating work. Surveys may be phased to occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer (generally 300-500 feet for common raptors; 250 feet for passerines, to be determined in the field by a qualified biologist) shall be established around active nests by a qualified biologist and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of a qualified biologist in coordination with	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Surveys to be conducted within 10 days (prior to) construction and decommissioning activities (if scheduled during nesting season); and if activities are halted for 10 days or more, the area should be resurveyed prior to commencing work.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	CDFW. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the adults or the nest, or if breeding attempts have otherwise been unsuccessful. To minimize the potential for avian injury and mortality from collision and electrocution, the Project will adhere to current Avian Power Line Interaction Committee (APLIC) design standards for overhead powerlines and associated structures, including use of avian-safe line designs, and installation of devices to make powerlines visible to birds (APLIC 2006, 2012).			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
Impact 4.5-1 (cont.)	Mitigation Measure 4.5-5: Protection of Bats. No earlier than 30 days prior to any construction or decommissioning ground disturbance, a qualified bat biologist shall conduct a pre-construction survey for roosting bats in trees to be removed or pruned and structures to be dismantled. Preconstruction surveys for roosting bats shall be conducted during the maternity season (March 1-July 31) for any construction or decommissioning ground disturbance that occurs within 300 feet of habitat capable of supporting bat nursery colonies. A minimum of one (1) day and one (1) evening visit shall take place. If no roosting bats are found, no further action is required. If a bat roost is found, the following measures shall be implemented to avoid impacts on roosting bats. If active maternity roosts are found in trees or structures that shall be removed as part of construction or decommissioning, tree removal or dismantling of that structure shall commence before maternity colonies form (generally before March 1) or after young are flying (generally by July 31). Active maternal roosts shall not be disturbed. If a non-maternal roost of bats is found in a tree or structure to be removed as part of construction or decommissioning, the individuals shall be safely evicted, under the direction of a qualified bat biologist and with approval from CDFW. Removal of the tree or dismantling of the structure should occur no sooner than two nights after the initial minor site modification (to alter airflow), under guidance of the qualified bat biologist. The modifications shall alter the bat habitat, causing bats to seek shelter elsewhere after they emerge for the night. On the following day, the tree or structure may be removed, in presence of the bat biologist. If any bat habitat is not removed, departure of bats from the construction area shall be confirmed with a follow-up survey prior to start of construction.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Survey to be conducted within 30 days of construction and decommissioning ground disturbance.

	Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
3.	Impact 4.5-2: Project operation could have a substantial adverse direct or indirect impact on special-status species.	Implement Mitigation Measure 4.5-4. See Impact 4.5-1 row, above, for text of the mitigation measure.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Preconstruction surveys to be conducted prior to construction or decommissioning activities as described. Measures to be implemented and buffers observed during construction and decommissioning.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources (cont.)				
4.	Impact 4.5-4: Construction could conflict with local policies or ordinances protecting biological resources.	Implement Mitigation Measures 4.5-1 through 4.5-4. See Impact 4.5-1 row, above, for text of the mitigation measures.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.
				See Impact 4.5-1 row, above.
Cultural Resources				
1.	Impact 4.6-1: Ground disturbing activities associated with the Project could cause a substantial adverse change in the significance of a newly-discovered historical or archaeological resource, as defined in CEQA Guidelines Section 15064.5.	Mitigation Measure 4.6-1: Cultural Resources Awareness Training. The Project owner shall retain a qualified archaeologist to carry out all mitigation measures related to archaeological and historical resources. Prior to the start of any ground-disturbing activities, the Project owner shall ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for all construction personnel working on the Project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. A sign-in sheet shall be completed, retained by the Project construction contractor for the duration of Project construction to demonstrate attendance at the awareness training, and provided to the County upon the completion of Project construction.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.
				Cultural Resources Awareness Training to be conducted prior to and during construction. Work to be conducted consistent with training during construction.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Mitigation Measure 4.6-2: Inadvertent Discovery of Cultural Resources. In the event archaeological materials are encountered during Project activities, the designated Project construction contractor shall immediately cease any ground disturbing activities within 100 feet of the find. The qualified archaeologist (and a Native American-designated representative if the resource is Native American-related) shall evaluate the significance of the resources for California Register of Historical Resources eligibility and recommend appropriate treatment measures to the County and the Project Owner. Per CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall (in coordination with a Native American-designated representative if the resource is Native American-related) develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During ground disturbing construction and decommissioning activities.
Cultural Resources (cont.)				
Impact 4.6-1 (cont.)	uneared cultural resources if the resources are prehistoric, tribal cultural resources, or Native American in nature. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County and to the Southern San Joaquin Valley Information Center. Construction can recommence based on direction of the qualified archaeologist with the County's agreement.			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
2. Impact 4.6-2: Ground disturbing activities associated with the Project could result in damage to previously unidentified human remains.	Implement Mitigation Measures 4.6-1 and 4.6-2. See Impact 4.6-1 row, above, for text of the mitigation measures.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Cultural Resources Awareness Training to be conducted prior to and during construction. Work to be conducted consistent with training during construction. Discovery procedures to be implemented during ground disturbing construction and decommissioning activities.
3.	Mitigation Measure 4.6-3: Inadvertent Discovery of Human Remains. If human remains are uncovered during Project activities, the Project owner shall immediately halt work, contact the Fresno County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.55(e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c), and Public Resources Code 5097.98 (as amended). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98, and the Project Applicant shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where			

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	the Native American human remains are located, is not damaged or disturbed by further activity under the landowner has discussed and conferred, as prescribed in Public Resources Code Section 5097.98, with the MLD regarding their recommendation for the disposition of the remains, taking into account the possibility of multiple human remains.			
Cultural Resources (cont.)				
4.	Impact 4.6-3: Ground disturbing activities associated with the Project could cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).	Implement Mitigation Measures 4.6-1 through 4.6-3. See Impact 4.6-1 row, above, for text of the mitigation measures.	Project owner and/or its designee to implement measure as defined. Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	See rows for Impacts 4.5-1 and 4.5-2, above.
Geology, Soils, and Paleontological Resources				
1.	Impact 4.8-7: The Project could directly or	Mitigation Measure 4.8-1: Unanticipated Fossil Discovery. Prior to ground disturbing activities for Project construction or decommissioning, the Project owner shall retain a qualified professional	Project owner and/or its designee to	Prior to and during construction and decommissioning.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
indirectly destroy a unique paleontological resource or site or unique geologic feature.	paleontologist (meeting the standards of the Society of Vertebrate Paleontology [SVP]) to develop and implement a Paleontological Worker Education and Awareness Program (WEAP). If paleontological resources are discovered during ground-disturbing activities (e.g., during Project construction or decommissioning), all earthwork or other types of ground disturbance within 50 feet of the find shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue or recommend salvage and recovery of the fossil. The paleontologist may also propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. If treatment and salvage is required, recommendations will be consistent with the standards of the SVP that are current as of the discovery and with currently-accepted scientific practice. The current standards of the SVP are set forth in the SVP's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, as prepared by the SVP's Impact Mitigation Guidelines Revision Committee. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds.	implement measure as defined.	Planning, Development Services Division, and/or its designee.	

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Hydrology and Water Quality				
1. <i>Erosion Control and Water Quality</i>	Applicant Proposed Measure (DEIR §2.9.1), Erosion Control and Water Quality: The Project shall implement best management practices (BMPs) to limit runoff and control erosion during construction, as required, and in compliance with the terms stipulated by a stormwater pollution prevention plan (SWPPP) and associated conditions of the Construction General Permit (if applicable). In the absence of a nexus with waters of the United States, the Project shall limit runoff and control erosion compliance with the terms of a plan that incorporates stormwater BMPs that are substantively similar to what would be required by a SWPPP to reduce the adverse effects of erosion and sedimentation. If required by the code of federal regulations (CFR), the Project shall require preparation of a Spill Prevention, Control, and Countermeasures (SPCC) Plan under 40 CFR §112.1. If a SPCC Plan is not required by regulation, the Project shall prepare and adhere to a substantively similar plan.	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	If a SPCC Plan is required, it shall be prepared at least 30 days prior to construction; otherwise measure to be implemented during construction.
Noise				
1. Impact 4.14-1: The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project site in excess of standards	Mitigation Measure 4.14-1: Noise Reduction for Construction Activities. At least 30-days prior to conducting nighttime construction activities for the proposed project, the Project Applicant shall submit to the County for approval a Construction Noise Reduction Plan to be implemented by all contractors as a condition of contract. Contents of the Plan should include at a minimum: Maintain all construction tools and equipment in good operating order according to manufacturers' specifications;	Project owner and/or its designee to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Submit plan to County for review and approval at least 30 days prior to construction; implement plan during construction.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
established in the local general plan or noise ordinance, or applicable standards of other agencies.	- Limit use of major excavating, pile driving, and earth-moving machinery to daytime hours; - Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks; - For construction devices that use internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible; - Limit possible evening and nighttime shift work to the southern and/or western portions of the Project site conducting low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment; and - Utilize a Complaint Resolution Procedure to address any noise complaints received from residents.			
Noise (cont.)				
Impact 4.14-1 (cont.)	The Plan shall include documentation that quantifies and substantiates how the contents of the Plan shall ensure that any nighttime construction noise levels would not exceed the Fresno County exterior noise standard of 45 dBA Leq at the closest residences.			
Transportation				
1. Impact 4.18-1: Construction of the Project would generate a temporary increase in traffic	Mitigation Measure 4.18-1: Construction and Decommissioning Traffic Management Plan. Prior to the issuance of construction or building permits and the issuance of decommissioning authorizations, the Project owner and/or its construction contractor shall prepare and submit a Traffic Management Plan to the Fresno County Public Works Department and the	Project owner and/or its designee to implement	Fresno County Department of Public Works and Planning, Development Services Division,	Prior to issuance of construction permits and during construction and decommissioning.

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
volumes on area roadways, which could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	California Department of Transportation, District 6, as appropriate, for approval. The Traffic Management Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following elements: • Temporary Traffic Control (TTC) plan that addresses traffic safety and control through the work zone, including during temporary lane closures (if needed) to accommodate materials delivery, transmission line stringing activities, or any other utility connections; • Identify the timing of deliveries of heavy equipment and building materials; • Requirement for designated construction staff to be assigned as flaggers to direct traffic into and/or through temporary traffic control zones, as needed; • Requirement to place temporary signage, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic; • Ensure access for emergency vehicles to the Project site; • Access to adjacent properties shall be maintained; • Specify both construction/decommissioning-related vehicle travel and oversize load haul routes, minimizing construction/decommissioning traffic during the a.m. and p.m. peak hour, distributing construction/decommissioning traffic flow across alternative routes to access the Project site, and avoiding residential neighborhoods to the maximum extent feasible.	measure as defined.	and/or its designee.	

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Transportation (cont.)				
Impact 4.18-1 (cont.)	Requirement to obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that would utilize County-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Fresno County Divisions of Public Works and Planning. The Traffic Management Plan elements listed above would reduce the potentially significant effects of short-term and intermittent construction-related congestion caused by construction and decommissioning vehicles/equipment on local roadways.			
2.	Mitigation Measure 4.18-2: Preconstruction and Pre-Decommissioning Road Survey Report. Prior to Project construction and decommissioning, a preconstruction report and a pre-decommissioning report shall be prepared by a qualified registered engineer, retained by the Project owner, to include a detailed analysis of road suitability to accommodate haul trucks during Project construction and decommissioning. The report shall be submitted to the Fresno County Department of Public Works and Planning. Prior to initiating the preconstruction or decommissioning report, the proposed methodology shall be presented to the Fresno County Department of Public Works and Planning for review and approval. Improvements to existing roads, to be implemented by the Project owner, may be necessary based on the findings of the report.	Project owner and/or its designated contractor to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee to review report and provide recommendations and/or approval and monitor for implementation.	Prior to project construction and decommissioning.
3.	Mitigation Measure 4.18-3: Road Repair. After final delivery of main equipment and prior to the later to occur of (a) the closing of the final project permit or (b) the start of operations of the Project, other than testing processes of the facilities, the Applicant shall crack seal and chip seal Adams Avenue starting at Derrick Avenue for a distance of approximately 1.5 miles east along Derrick Avenue. Prior to chip seal application, in	Project owner and/or its designated contractor to implement	Fresno County Department of Public Works and Planning, Development Services Division,	Agreement secured 15 days prior to the start of construction and terms of the agreement

Impact	Mitigation Measure / Applicant Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	locations where the construction entrances are heavily impacted along Adams Avenue, the full pavement width at these entrances shall be grinded to a depth of 0.3 feet and replaced with hot mixed asphalt.	measure as defined.	and/or its designee.	implemented after the conclusion of construction activities.

Conditions of Approval	
1.	Development and operation of the project shall be substantially in accordance with the Site Plans and Operational Statement submitted to the Planning Commission.
2.	Prior to the issuance of development permits, the Applicant shall record with the County recorder a Right-to-Farm Notice indicating that adjacent agricultural operations shall not become a nuisance due to the changed condition of the Project site.
3.	The project shall adhere substantially to the provisions in the Reclamation Plan as submitted to the Planning Commission and prepared for the decommissioning of the facility when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final Site Plan and improvements. The draft reclamation Plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning, Current Planning Division prior to the issuance of any development permits.
4.	Prior to the County of Fresno's issuance of any grading or development permits, the project owner must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement shall require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement acceptable to the County of Fresno. Such financial assurance may be in any other form of security acceptable to the County of Fresno.
5.	The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive restoring the site to a viable agricultural use (e.g., access roads, electrical lines, O&M building).
Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Developer.	
1.	Construction plans, building permits and inspections are required for all proposed improvements on the property.

Project Notes	
2.	Conditional Use Permit No. 3677 will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.
3.	Prior to initiating construction, the developer shall be required to contact Underground Service Alert (811) to allow Westlands Water District staff to locate and mark its facilities prior to commencement of grading or construction activities.
4.	Per Article 19 Rules & Regulations of Westland Water District, the proposed water sources are on-site groundwater wells and through a Municipal & Industrial (M&I) water agreement secured with the District. The District will make available up to five (5) acre-feet annually per 160 acres for solar developments. If the Applicant's annual water use is expected to exceed the aforementioned amount, the Applicant must submit a supplemental M&I Water Application to the District and identify the source of water to be made available to meet the incremental increased use.
5.	The project shall comply with California Code of Regulations Title 24– Fire Code and "Prior to receiving FCFPD conditions of approval for the project, the developer shall submit construction plans to the County of Fresno Public Works and Planning for review. The project may also be annexation into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
6.	To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following: • Facilities that 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. • Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department. • All abandoned water wells and septic systems on the subject parcels shall be properly destroyed by an appropriately licensed contractor. .

Project Notes	
	- Any underground storage tank(s) found during construction, shall be removed with an Underground Storage Tank Removal Permit from the Health Department. - Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. - Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures to prevent the spread of vectors to adjacent properties. - In the process of demolishing the existing structures, if asbestos containing construction materials and materials coated with lead-based paints are encountered, contact the San Joaquin Valley Air Pollution Control District. - If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work contact the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (560) 620-5600, United States Environmental Protection Agency, Region 9 at (415) 947-8000, State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

References

- Avian Power Line Interaction Committee (APLIC), 2006. *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. Washington, DC, and Sacramento, CA: Edison Electric Institute, APLIC, and California Energy Commission.
- _____, 2012. *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*. Edison Electric Institute and APLIC. Washington, DC. http://www.aplic.org/uploads/files/.11218/Reducing_Avian_Collisions_2012watermarkLR.pdf
- California Department of Fish and Wildlife (CDFW), 2012. Staff Report on Burrowing Owl, Mitigation. State of California Natural Resources Agency Department of Fish and Game, March 7, 2012.
- Fresno County, 2018. Guidelines for the Preparation of Traffic Impacts Studies within the County of Fresno, May 2018.

Swainson's Hawk Technical Advisory Committee, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990>. Accessed October 4, 2022.

U.S. Fish and Wildlife Service (USFWS), 2011. Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. Sacramento Fish and Wildlife Office, June 2011.

EXHIBIT "C"
ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Environmental impact Report No. 7869
Unclassified Conditional Use Permit No. 3677

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

Unclassified Conditional Use Permit	\$ 9,123.00 ¹
Public Health Department Review	\$ 992.00 ²
Agricultural Commissioner Fee	\$ 93.00 ²

Total Fees Collected	<u>\$ 10,208.00</u>
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Total EIR funds on deposit for reimbursement	\$341,153.25
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¹ Includes project routing, coordination with reviewing agencies, project applicant and consultant, and review and research, engaging with reviewing departments and staff's analysis. Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.

² Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division, and Agricultural Commissioner's office..