

RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

Norman L. Allinder, AICP
Director *NLA*

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PLANNING COMMISSION DATE: August 5, 2014

AGENDA ITEM: # 3

CUP	#2010-015	A one year time extension on Conditional Use Permit to a 20 megawatt solar facility
APN:	#020-150-007 #020-150-008 #020-150-014	Applicant/Owner: Iberdrola Renewables
CEQA	MND #2010-020	Mitigated Negative Declaration

REQUEST:

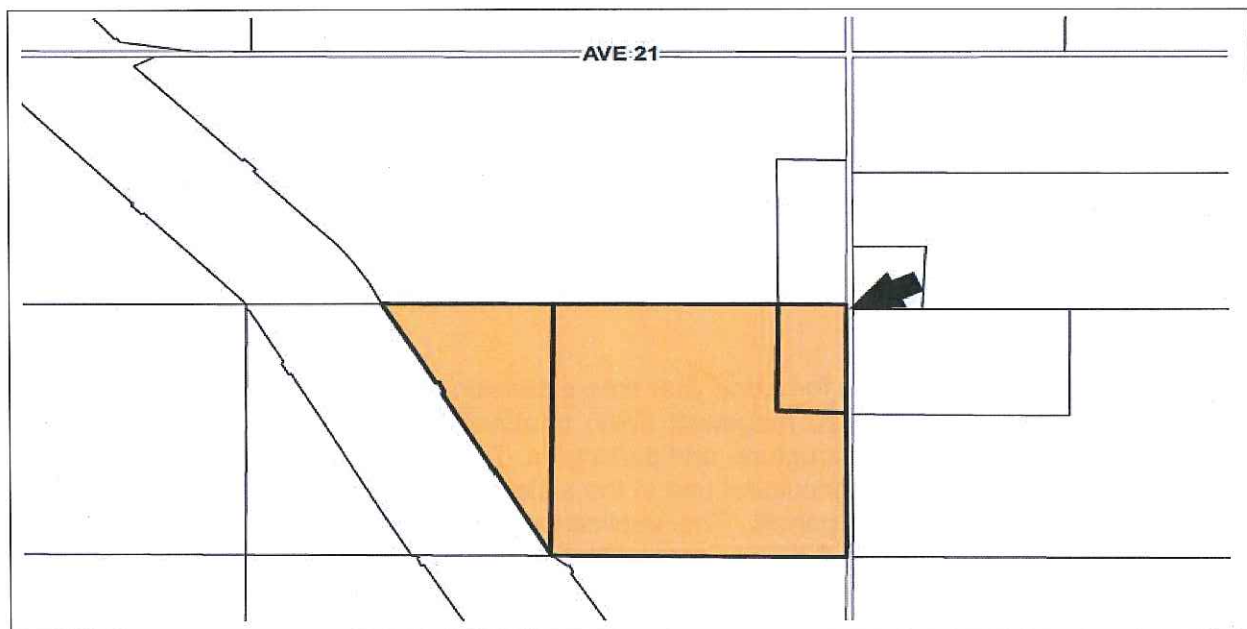
The application is for a time extension for a conditional use permit to allow construction of a 20 megawatt (MW) photovoltaic solar facility, inverter buildings, sub-station, bathroom structure, and parking lot.

LOCATION:

The project is located on the west side of Road 4, approximately 1/2 mile south of its intersection with Avenue 21 (20130 Road 4), Chowchilla.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND#2010-020) was previously approved by Planning Commission on January 10, 2011.



RECOMMENDATION: Approval of a one year time extension.

GENERAL PLAN DESIGNATION:

SITE: AE (Agricultural Exclusive) Designation

SURROUNDING: AE (Agricultural Exclusive) Designation

ZONING:

SITE: ARE-40 (Agricultural, Rural, Exclusive, 40-acre) District

SURROUNDING: ARE-40 (Agricultural, Rural, Exclusive, 40-acre) District

LAND USE:

SITE: Row Crop Agriculture

SURROUNDING: Rural Residential and Orchards

SIZE OF PROPERTY: 210.5 acres

ACCESS: The property is accessed by Road 4.

BACKGROUND AND PRIOR ACTIONS:

Prior to this Time Extension request, CAL SPV applied for a conditional use permit #2010-015 which was approved in January of 2011 with its corresponding Mitigated Negative Declaration #2010-020.

ORDINANCES/POLICIES:

Madera County Code 18.58 outlines allowed uses within the ARE-40 (Agricultural, Rural, Exclusive, 40-acres) zone district

Madera County General Plan Policy Document (page 7) outlines the allowable uses within the AE (Agricultural Exclusive) designation

Madera County Code 18.94.180 outlines the requirements for conditional use permits to allow solar farms

Section 18.92.060.B of the Zoning Ordinance outlines the procedure for Time Extensions

PROJECT DESCRIPTION:

This project proposal is for a one year time extension of a conditional use permit to allow the development of a 20 megawatt (MW) photovoltaic solar facility, inverter buildings, sub-station, bathroom structure, and parking lot. The project site consists of 210.5 acres. The project includes agricultural use in the aisles between solar panels and other areas left uncovered by the panels. The application states that dry farming or she grazing would be performed in the open areas. Approximately 160-170 acres of the total 210.5 acres would be utilized for agricultural purposes. The solar panels are proposed to be spread across the entire project site, with aisles in between for maintenance purposes. The solar panels would completely cover 38.7 acres of the project site.

ANALYSIS:

The Zoning Ordinance, Section 19.92.060(B) states that a conditional use permit may be terminated if it is not used within two years of the date of approval, and shall be voidable, unless written time extensions are applied for and approved prior to permit expiration. The granting of a time extension or the voiding of the conditional use permit must occur by Planning Commission action in a noticed public hearing. Time extensions may be granted or conditionally granted provided:

1. Each extension will be for a one year period of time; and
2. The maximum number of extensions will not exceed an additional total of three years.

Prior to the expiration date of the permit, the applicant came to the Planning Department noting that negotiations were underway for a change in the ownership for the project. In lieu of these changes the department granted additional time to allow the transfer to take place before they filed for their time extension. The new applicant, Iberdrola Renewables, was advised to submit a letter requesting a time extension after a meeting with department staff, along with the appropriate fee.

If the commission grants this time extension, the applicant could in the future request up to two more extensions, thereby postponing development up to August 2017. To receive additional extensions the applicant must apply to and receive approval from the Planning Commission each year.

The project has been reviewed and it has been determined that there have been no changes to development standards for the area, or other changes that would change the manner in which a new application at that site would be considered. It is likely that if the time extension was not granted, and the applicant reapplied for a conditional use permit, it would result in the same conditions of approval.

The project was routed to all parties thought to be impacted from the installation of a 20 megawatt (MW) photovoltaic solar facility, inverter buildings, sub-station, bathroom structure, and parking lot.

WILLIAMSON ACT:

The parcel is subject to a Williamson Act (Agricultural Preserve) contract, but has filed a Notice of Non-Renewal. Conditions of approval for CUP#2010-015 requires the subject parcel(s) to be removed from the Williamson Act Contract.

GENERAL PLAN CONSISTENCY STATEMENT:

The subject property is designated AE (Agricultural Exclusive) by the General Plan. The property is zoned ARE-40 (Agricultural, Rural, Exclusive -40 Acre District). The zone district is consistent with the general plan designation of AE which allows for various public and quasi-public uses, which energy generation would be. In addition, the project is consistent with General Plan Policy Goal 3.J to provide "efficient and cost-effective utilities." The proposed solar facilities will provide a local, renewable energy source that

**CUP#2010-015
STAFF REPORT**

August 5, 2014

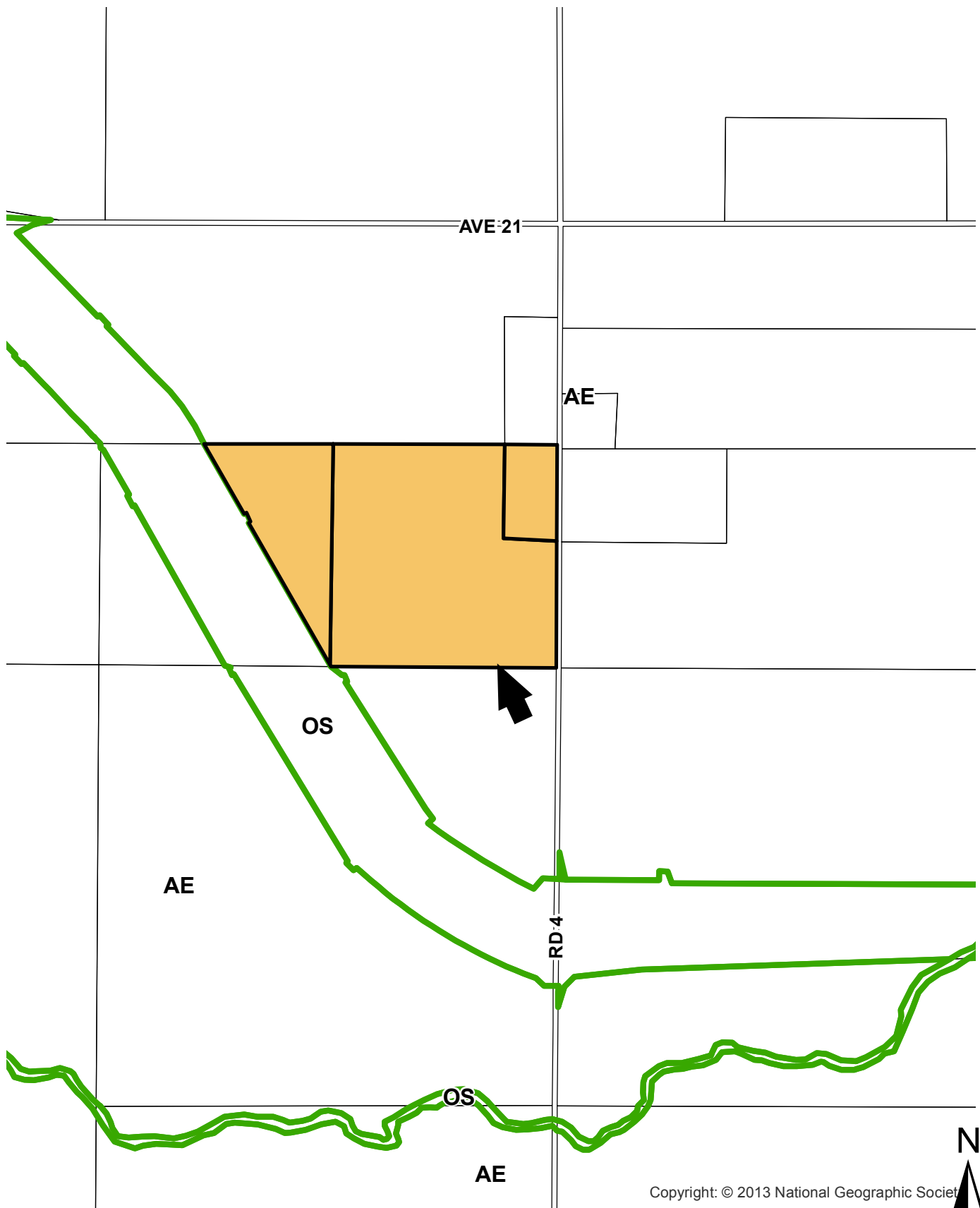
will help Madera County become more self-sustaining, economically viable, and increase environmental conditions.

RECOMMENDATION:

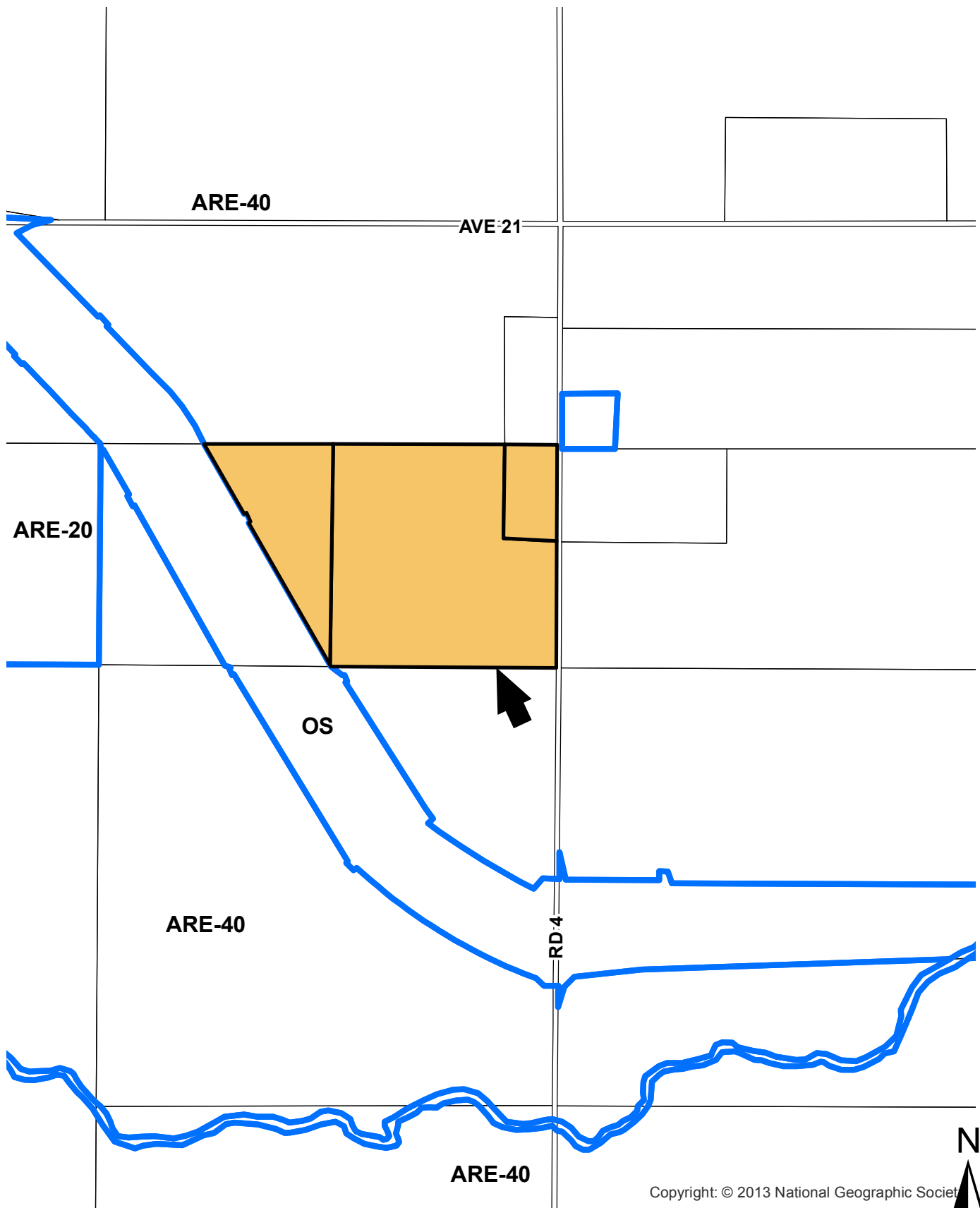
The analysis provided in this report supports approval of the time extension for CUP #2010-015 with its corresponding Conditions of Approval from CUP #2010-015.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Parcel Map
4. Exhibit D, Site Plan
5. Exhibit E, Aerial Map
6. Exhibit F, Topography Map
7. Exhibit G, Approved CUP#2010-015 Staff Report



GENERAL PLAN MAP



Copyright: © 2013 National Geographic Society

ZONING MAP

SEC. 19 T.10S. R.14E. & SEC. 24 T.10S. R.13E. M.D.B.&M.
 CHOWCHILLA RANCH SUB.

NO. 5
 M.B. 3-12

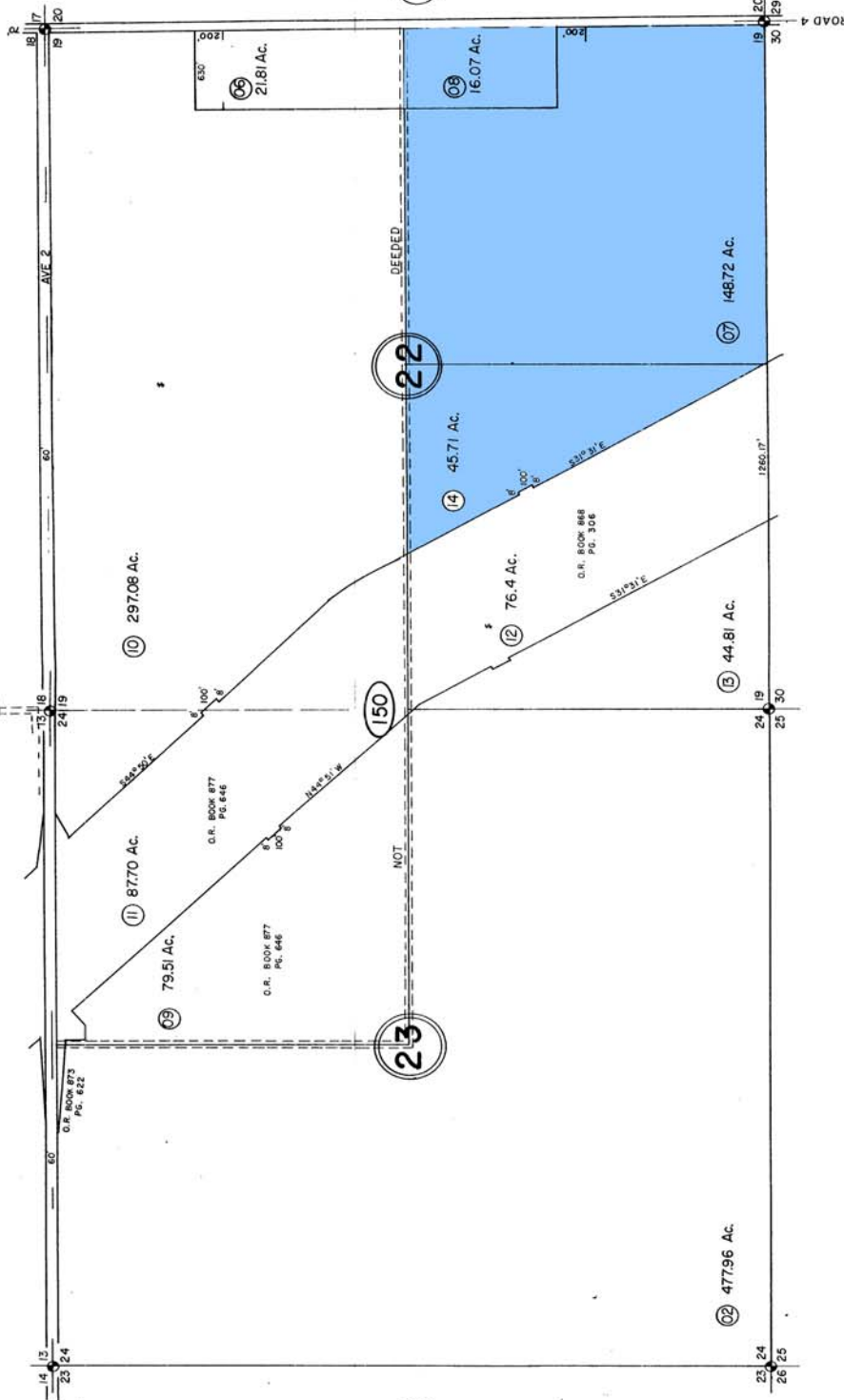
NO. 4
 M.B. 3-11

Tax Area No. 54-003

20-15

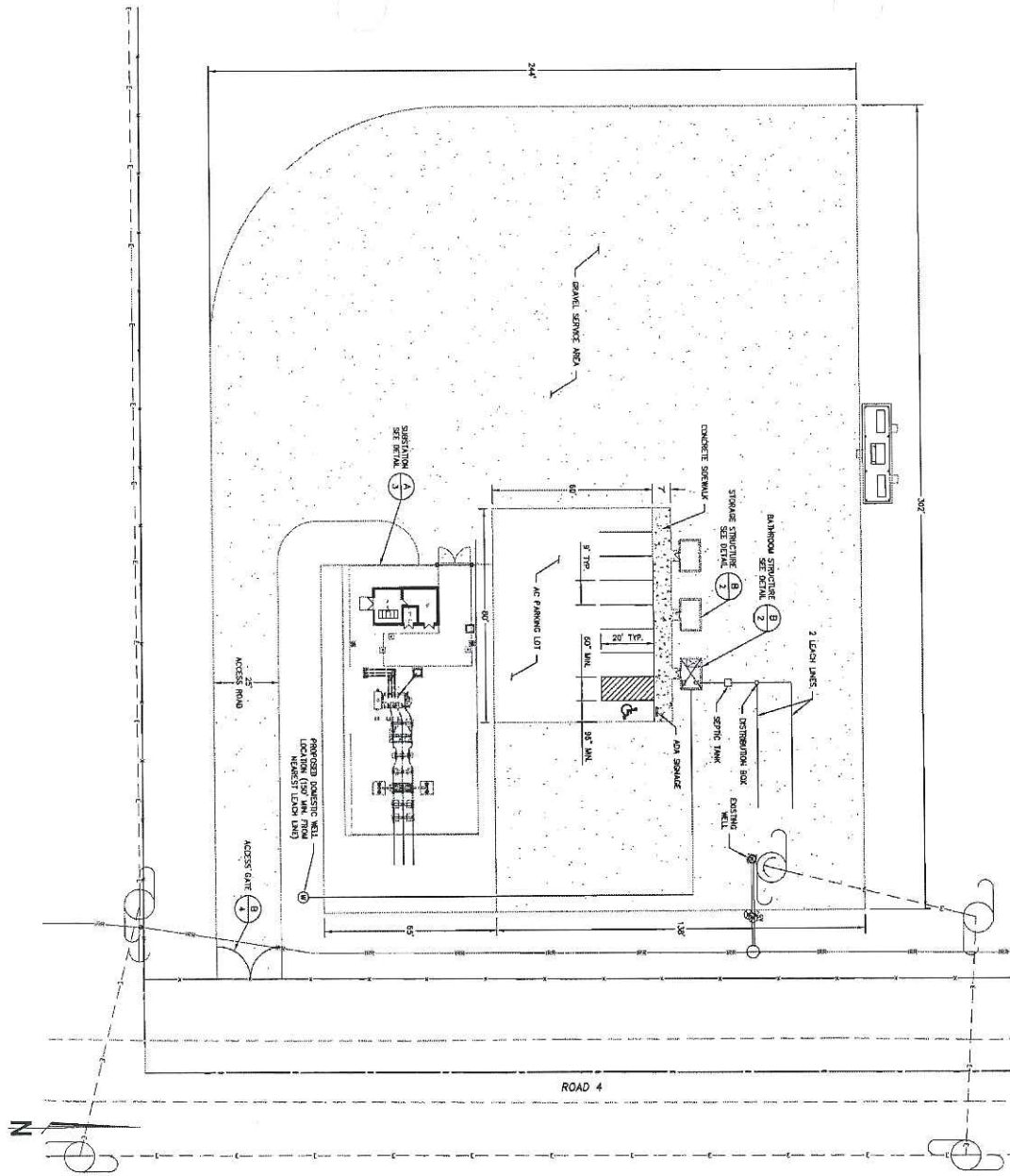


SCALE 1"=800'
 SEC. 24 T10S R13E
 SEC. 19 T10S R14E

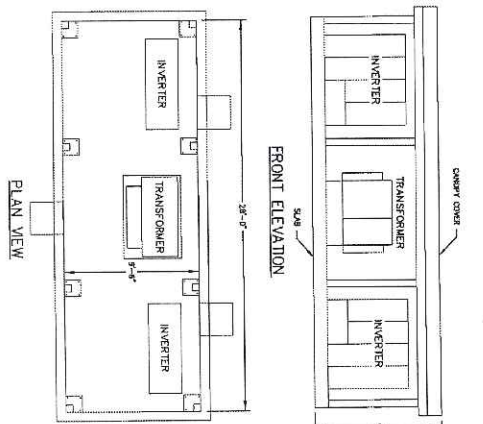


Assessor's Map No. 20-15
 Alview - Dairyland
 County of Madera, Calif.
 1954

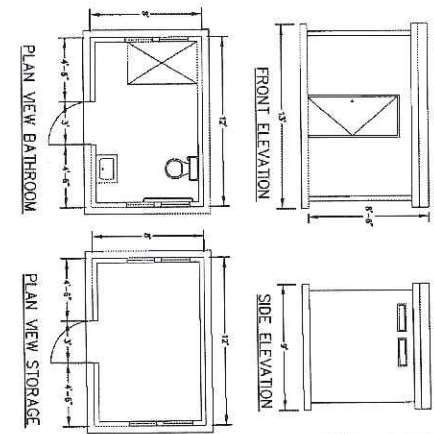
1 ENLARGED PLAN VIEW SUBSTATION AND SERVICE AREA
 2 SCALE: 1"=20'



3 TRANSFORMER/INVERTER CANOPY STRUCTURE
 2 SCALE: 1"=4'



4 STORAGE & BATHROOM BUILDINGS
 2 SCALE: 1"=4'



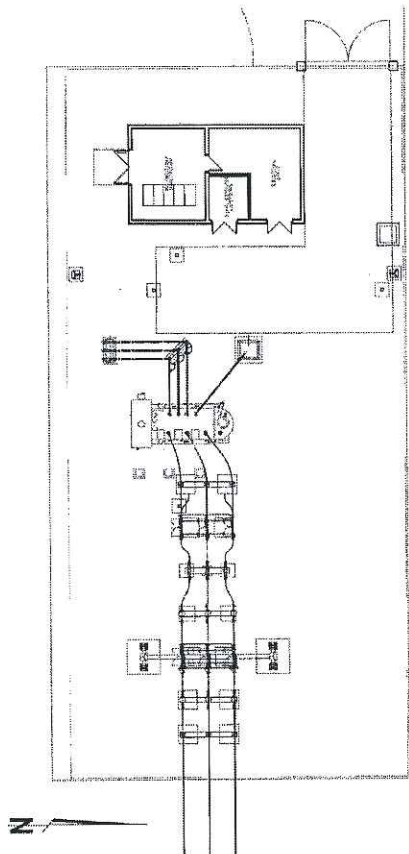
PROVOST & PRITCHARD
 CONSULTING ENGINEERS
 An Employee Owned Company
 100 WEST BROADWAY AVENUE
 FRESNO, CALIFORNIA 93711-6162
 555-444-2000 FAX 555-444-2001
 www.provostpritchard.com

MADERA SOLAR SITE
 CAL SP V, LLC
 SOLAR PACK
 MADERA COUNTY
 CONDITIONAL USE PERMIT
 PARKING LOT & BATHROOM STRUCTURE

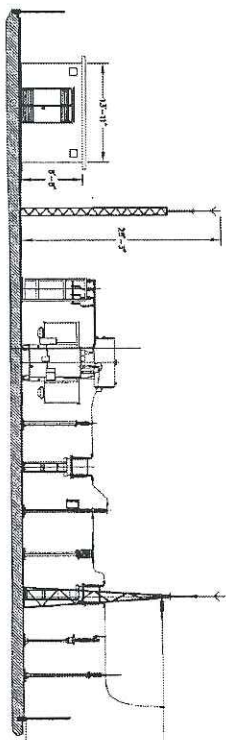
NO.	REVISION	BY	DATE

PLAN DETAIL

Ⓐ SUBSTATION SITE PLAN
SCALE: 1"=8'



Ⓑ SUBSTATION ELEVATION
SCALE: 1"=8'



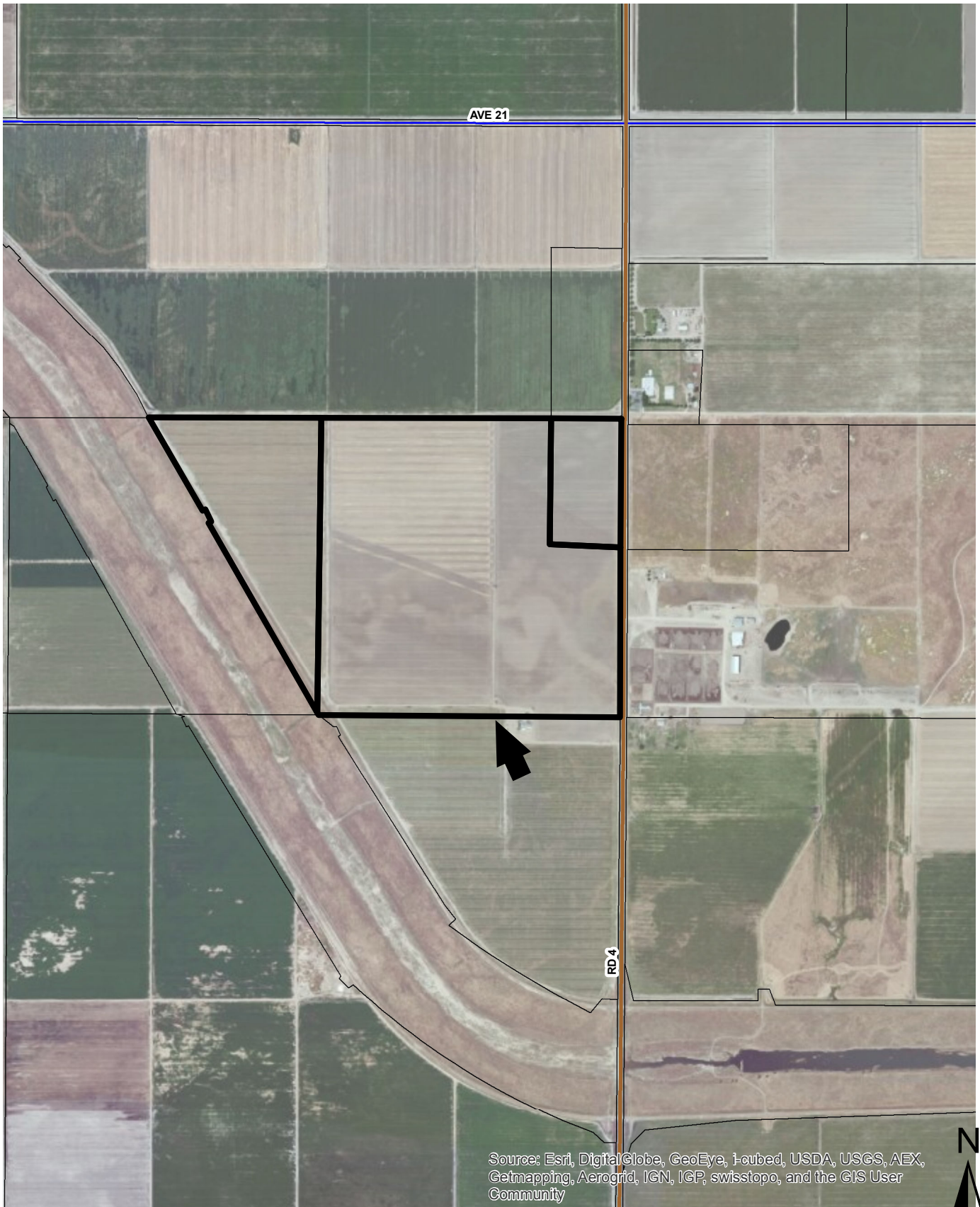
THIS DOCUMENT IS THE PROPERTY OF PROVOST & PRITCHARD CONSULTING GROUP, INC. (PPG) AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PPG. PPG AND ITS EMPLOYEES SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. PPG AND ITS EMPLOYEES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT. PPG AND ITS EMPLOYEES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT. PPG AND ITS EMPLOYEES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT.

MADERA SOLAR SITE
CAL SP V, LLC
SOLAR PACK
MADERA COUNTY
CONDITIONAL USE PERMIT
SUBSTATION SITE PLAN

PROVOST & PRITCHARD
CONSULTING GROUP
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78306, CALIFORNIA 95361-8161
562/441-3102 FAX 562/441-3713
www.ppg.com

DESIGN ENGINEER
UNLICENSED
DATE: 05/27/2016
JOB NO: 20150010
DRAWN BY: [Name]
CHECKED BY: [Name]

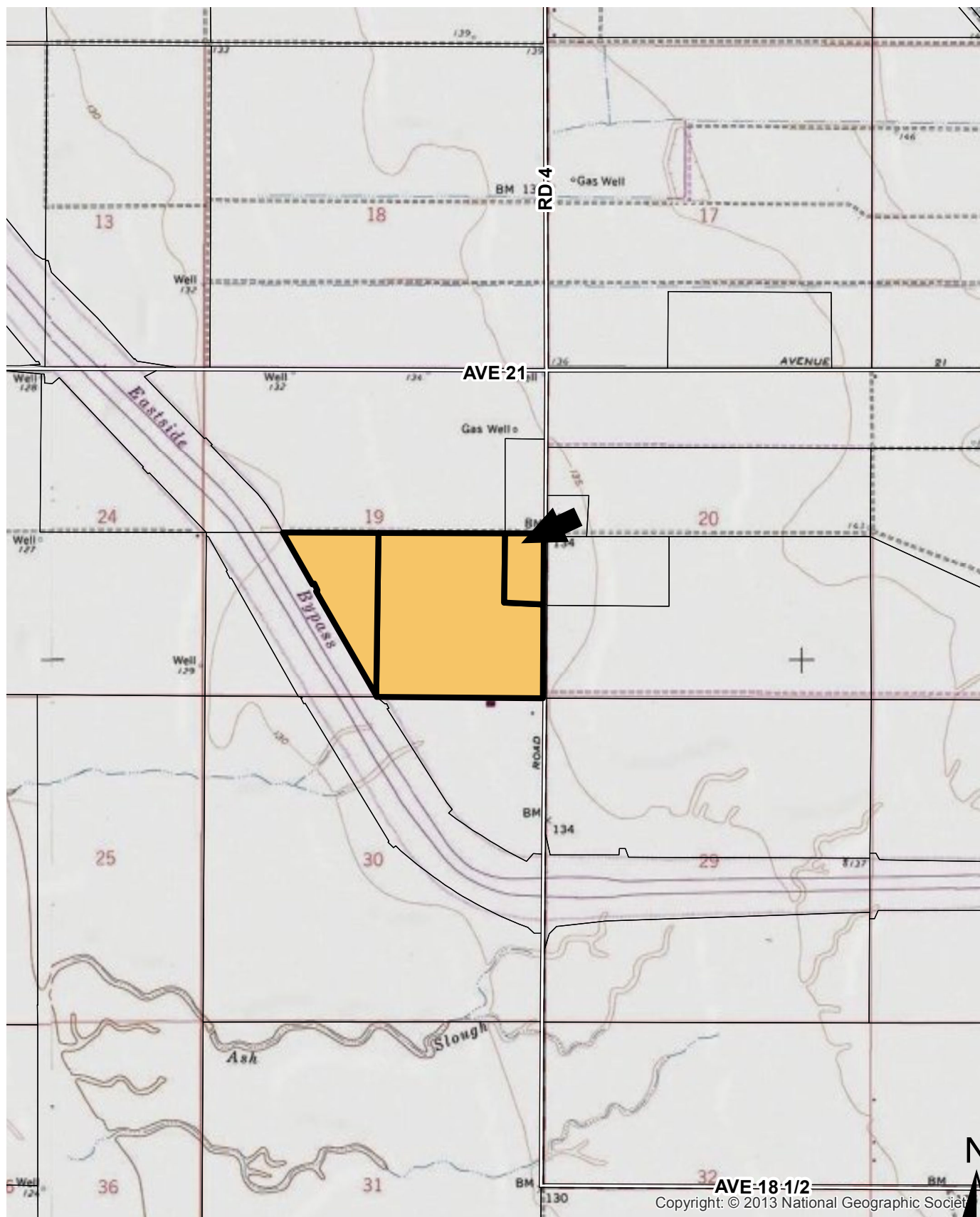
NO.	REVISION	BY	DATE



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



AERIAL MAP



TOPOGRAPHICAL MAP



RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

EXHIBIT G

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Madera, CA
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TDD (559) 675-8970
mc_planning@madera-county.com

Norman L. Allinder, AICP
Director *NLA*

PLANNING COMMISSION DATE: January 4, 2011

AGENDA ITEM: # 1

CUP	#2010-015	20 MW Solar Energy Facility
APN	#020-150-007, 008, & 014	Applicant: CAL SP V LLC
CEQA		Owner: Clay & Paulette Haynes
		MND #2010-020

REQUEST:

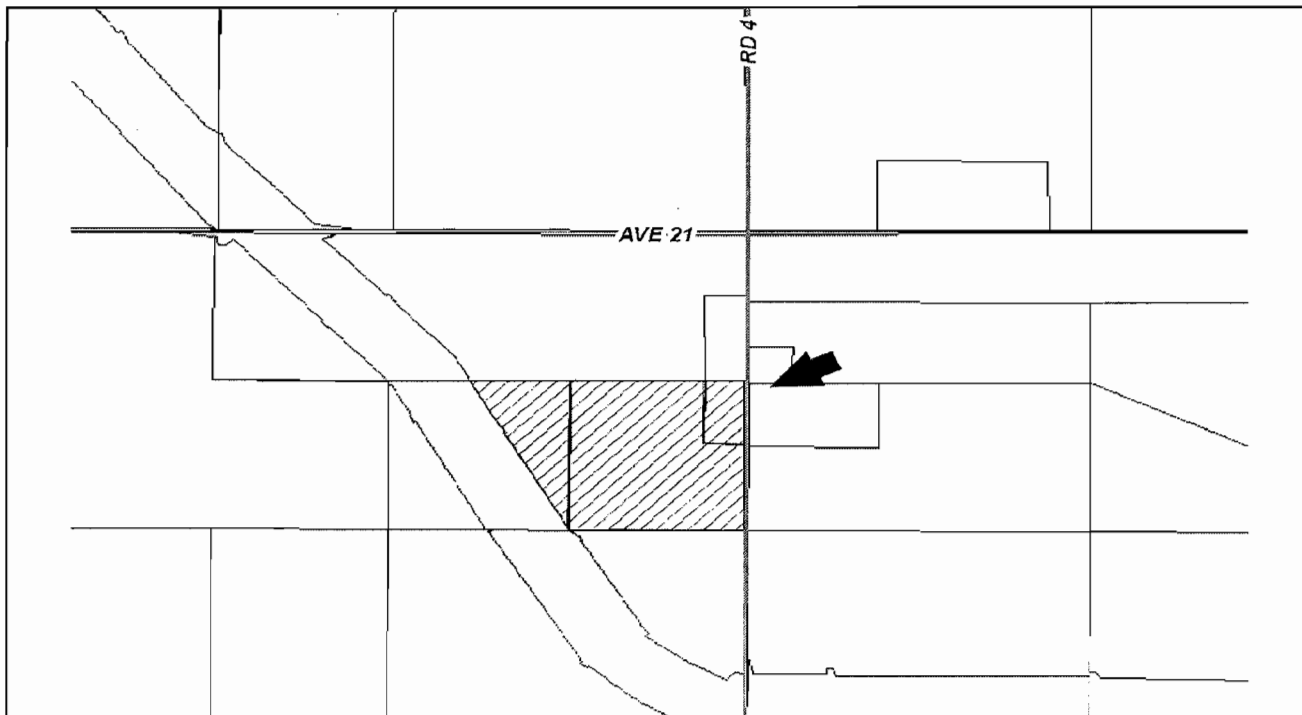
This project consists of a request for a Conditional Use Permit to allow the construction of a 20 Megawatt (MW) solar energy facility.

LOCATION:

The project site is located on the west side of Road 4, approximately 1/2 mile south of its intersection with Avenue 21 (20130 Road 4), west of Chowchilla.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (MND #2010-020) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: Approval subject to conditions.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: AE (Agricultural Exclusive) Designation

SURROUNDING: AE (Agricultural Exclusive) Designation and OS (Open Space) Designation

ZONING (Exhibit B):

SITE: ARE-40 (Agricultural Rural Exclusive-40 Acre Minimum) District

SURROUNDING: ARE-40 (Agricultural Rural Exclusive-40 Acre Minimum) District, OS (Open Space) District, and ARE-20 (Agricultural Rural Exclusive-20 acre minimum) District

LAND USE:

The subject parcels are currently utilized for row crop agriculture. Parcels abutting the project site to the north and south are utilized for row crop agriculture. The parcel abutting the site to the east is utilized for grazing and a dairy. Alview Elementary school is located immediately northeast of the project site. The San Joaquin River east side bypass abuts the project area to the west.

SIZE OF PROPERTY: 210.5 acres

ACCESS (Exhibits A-E): Access to the site is gained via Road 4.

ORDINANCES/POLICIES:

Chapter 18.04.495 of the Madera County Zoning Ordinance provides a definition for a commercial solar facility (referred to in code as solar farm).

Chapter 18.58 of the Madera County Zoning Ordinance outlines the procedures for the ARE-40 (Agricultural Rural Exclusive – 40 Acre Minimum) District.

Chapter 18.94.180 of the Madera County Zoning Ordinance provides additional information on Conditional Use Permit standards relating to solar energy facilities.

County of Madera – Rules and Procedures for Agricultural Preserves provides local information in regards to the Williamson Act.

Government Code Sections 51200-51297.4 describe the provisions of the Williamson Act.

PROJECT DESCRIPTION:

Cal SP V LLC is proposing to install a 20 Megawatt (MW) solar energy facility located on 210.5 acres in western Madera County.

BACKGROUND AND PRIOR ACTIONS:

None.

ANALYSIS:

The proposed solar energy facility consists of free standing ground mounted photovoltaic (PV) panels approximately eight feet in height. The proposed project's location takes

advantage of a major Pacific Gas and Electric (PG&E) transmission line that runs along the east side of Road 4. The project would require that a substation would be installed on the project site, along with 20 inverter buildings to support the facility. Two 120 square foot storage buildings and a single 120 square foot bathroom would be utilized for employees onsite, along with an eight space parking lot. The project site would be surrounded with a chain link fence for protection. An average of two employees would be onsite for maintenance and monitoring. Full output from the proposed facility would include 20 MW of electric power, enough to supply energy for up to 20,000 homes (www.solardaily.com).

The project also includes agricultural use in the aisles between solar panels and other areas left uncovered by the panels. The application states that dry farming or sheep grazing would be performed in the open areas. Approximately 160-170 acres of the total 210.5 acres would be utilized for agricultural purposes. The solar panels are proposed to be spread across the entire project site, with aisles in between for maintenance purposes (Exhibit D-1). The solar panels would completely cover 38.7 acres of the project site.

The project is proposed in an area largely designated as prime and unique farmland by the State of California. The site has recently been cultivated with tomatoes. As the site plan indicates, the panels would span across all three parcels and completely remove 38.7 acres of prime farmland from use. The remaining land in the aisles between solar panels will be impacted with reduced agricultural viability due to loss of sunlight, panel maintenance vehicle use, and restricted growing area. While the project is intended to be temporary in nature (31 year lease), the site's designation as prime and unique farmland would be lost over time do to the conversion of use to dry farming/grazing and solar power generation. The conversion will impact soil viability and the overall capability of the site to support irrigated farmland. In order to alleviate this potentially significant impact, the project will be conditioned for restoration of the entire site to pre-development conditions. Financial assurances would be necessary to ensure this condition is carried through. Glare impacts will be negligible as solar panels are designed to absorb light, not to reflect it.

The project area is currently enrolled within the Williamson Act program. The California Department of Conservation has recently outlined three ways in which solar energy facilities proposed on Williamson Act lands may be handled. First, the facility may be allowed as a compatible use depending on the three principles of compatibility established in section 51238.1 of California Government Code. Second, the landowner may provide notice of nonrenewal to the County and be released from the program after the nine year waiting period. Third, the contract may be cancelled pursuant to Government Code section 51282. Documentation has been submitted regarding the project's potential compatibility with the Williamson Act. Notably, the documentation includes the continued use of the project area for dry crop farming, the operation as temporary in nature, and use of small amounts of water as some factors that contribute to compatibility.

When evaluated against State law and local rules, the proposal should not be considered compatible with the Williamson Act. The Williamson Act, including California Code Section 51238.1, provides clarity regarding compatible uses within agricultural preserves. Section 51238.1(a)(2) specifically states: "uses that significantly displace agricultural operations may be deemed compatible if they directly relate to the production of commercial agricultural products. . ." In the case of the subject project, agricultural operations would be displaced by a use that does not produce commercial agricultural products. The proposed project would replace the cultivation of tomatoes with electrical

power as the primary product produced onsite, which is clearly not an agricultural product. Dry crops or grazing would become the secondary commodity to the production of solar power. Government Code Section 51238.1(c) allows an exception to the impacts described above; however, the proposal must be located on nonprime farmland, which is not the case for the project proposal. The Madera County Rules and Procedures for Agricultural Preserves define policies for the establishment of the Williamson Act in the County and are derived from Williamson Act statute as stated above.

The subject parcels may be taken out of the Williamson with a filing of nonrenewal and the expiration of the nine year waiting period. Lastly, the County could potentially make findings in support of the cancellation. Two separate findings must be made in line with California Government Code 51282(c): 1) public concerns substantially outweigh the objectives of the Williamson Act and 2) there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put.

The development of solar energy facilities in Madera County has a number of benefits. Notably, PV solar power is a renewable form of power generation that does not involve any harmful air emissions. On a statewide basis, the development of solar energy facilities contributes towards compliance with Assembly Bill 32, State law that seeks a reduction in the emission of greenhouse gases. The project would contribute towards the State's goal of 33% of all electrical generation to come from renewable sources by 2020. Also, PV solar power requires minimal water use for periodic washing of the panels. When compared to the existing agricultural use onsite, the proposed project would help alleviate the existing strain upon local groundwater supplies.

FINDINGS:

The Madera County Zoning Ordinance requires that the following findings of fact must be made by the Planning Commission to grant approval of this permit:

1. *The proposed project does not violate the spirit or intent of the zoning ordinance.* The property is zoned ARE-40 (Agricultural Exclusive – 40 Acre Minimum). The zone district allows solar energy facilities through a Conditional Use Permit. Solar energy facilities are also defined in the Zoning Ordinance.
2. *The proposed project (request) is not contrary to the public health, safety or general welfare.* Because conditions of approval are being incorporated, there will be no potential significant impacts with regards to the public health, safety, or general welfare. Mitigation measures are further included to alleviate potentially significant impacts to agriculture, cultural resources, and aesthetics. Compliance with the project conditions and mitigation measures will ensure that the welfare of the surrounding community is not impacted.

The proposal would have a positive impact upon the welfare of the region and State. Assembly Bill 32, signed by the State in 2008, requires significant reductions in greenhouse gas emissions (GHG). The subject project will further this goal through the creation of a power generation facility that does not include the emission of GHGs and will reduce the State's dependence on fossil fuel energy sources that create GHGs as a byproduct.

3. *The proposed project (request) is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors.* The

proposal will not involve hazardous materials or result in the emission of hazardous materials. No emission of any kind will result. Minimal odors and noise will be produced from dry farming onsite.

4. *The proposed project (request) will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County.* The proposal, while different in nature from surrounding agricultural uses, is not a use that will create conflicts with adjacent uses as a result of power generation or dry farming/grazing. As noted in response to Finding #3, no significant nuisances will be created by the proposal, thereby allowing adjacent property owners to continue existing farming practices. The adjacent Alview Elementary school will similarly not be negatively affected by the proposal.

GENERAL PLAN CONSISTENCY:

The proposal is consistent with Goal 3.J of the General Plan by providing "efficient and cost-effective utilities". The proposed commercial solar energy facilities will provide a local, renewable source of electricity that will help to make Madera County more self-sustaining and economically viable. The AE (Agricultural Exclusive) designation allows for quasi-public uses, which includes power generation facilities regulated by the State Public Utilities Commission.

WILLIAMSON ACT:

The subject parcels are currently enrolled in the Williamson Act program.

RECOMMENDATION:

The analysis contained in this report supports approval of CUP #2010-015 and MND #2010-014.

CONDITIONS:

Engineering Department (Exhibit J)

1. Prior to the start of any new construction or remodeling, the applicant shall secure a Building Permit at Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and specifications of the Federal Code of Regulations. The applicant's architect or engineer shall identify the occupancy and type of construction proposed. All plans must be prepared by a registered civil engineer or licensed architect.
2. If any grading is to occur, the applicant shall submit a detailed grading, drainage and erosion control plan (11x17 and 24X36 2-sets) to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100 year, 48 hour storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code.
3. The applicant is required to retain onsite, or make other provisions, to mitigate to pre project flow conditions, any increase in storm water runoff generated by this project. The applicant shall submit a storm water management plan prepared by

a registered civil engineer addressing no net change to storm water quantities as a result of this project.

Environmental Health Department (Exhibit K)

1. All required set-backs shall be maintained through-out all construction activates and on-going operation of this development.
2. The owner/operator of this development must obtain all the necessary specific program MCEHD permits prior to any construction activities on site.

Fire Department (Exhibit L)

No comment.

Planning Department

1. The subject parcels are within the Williamson Act program. Prior to commencement of the operation, the Williamson Act contract must be removed from the subject properties.
2. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.
3. All open and un-vegetated portions of the lot shall be maintained in good condition, free from weeds, dust, trash and debris.
4. The solar PV panels must comply with zone district setback requirements. Prior to project approval, a new site plan must be submitted to the Planning Department that includes setbacks from property lines and County right of way.
5. Upon cessation of the project, the land upon which the project is located shall be reclaimed to its previous agricultural condition. The project owner shall submit a Reclamation Plan including conditions for site reclamation and financial assurances to ensure reclamation is performed. The Reclamation Plan and financial assurances are subject to approval by the Planning Director.
6. Since a Mitigated Negative Declaration has been authorized for this project under the provisions of Section 711.4(c) of the Fish and Game Code, an "Environmental Document Application/Filing Fee" of two thousand forty four dollars no cents (\$2,044.00) is required in conjunction with the processing of this project and the filing of the required Notice of Determination. In addition, a fifty dollar (\$50.00) "County Administrative Fee" must be included. A single check in the amount of two thousand ninety four dollars no cents (\$2,094.00) made payable to the County of Madera is required. (The fee is to be submitted to the Planning Department.) State law (Section 21089(b) of the Public Resources Code) provides that project approval is not operative or final until these Fish and Game fees are paid. The fee shall be submitted to allow the posting of the Notice of Determination, thereby avoiding any delay in the processing of the map.

7. All mitigation measures outlined in the Mitigated Negative Declaration #2010-020 shall be implemented in development of this project unless added to, deleted from, and/or otherwise modified.

Road Department (Exhibit M)

1. The applicant shall grant deed a strip of land 5 ft wide contiguous to Road 4.
2. The applicant shall be required to construct a driveway approach. This approach shall be constructed per County of Madera commercial standard. An Encroachment Permit will be required prior to any construction within County right-of-way.

Air Pollution Control District (Exhibit N)

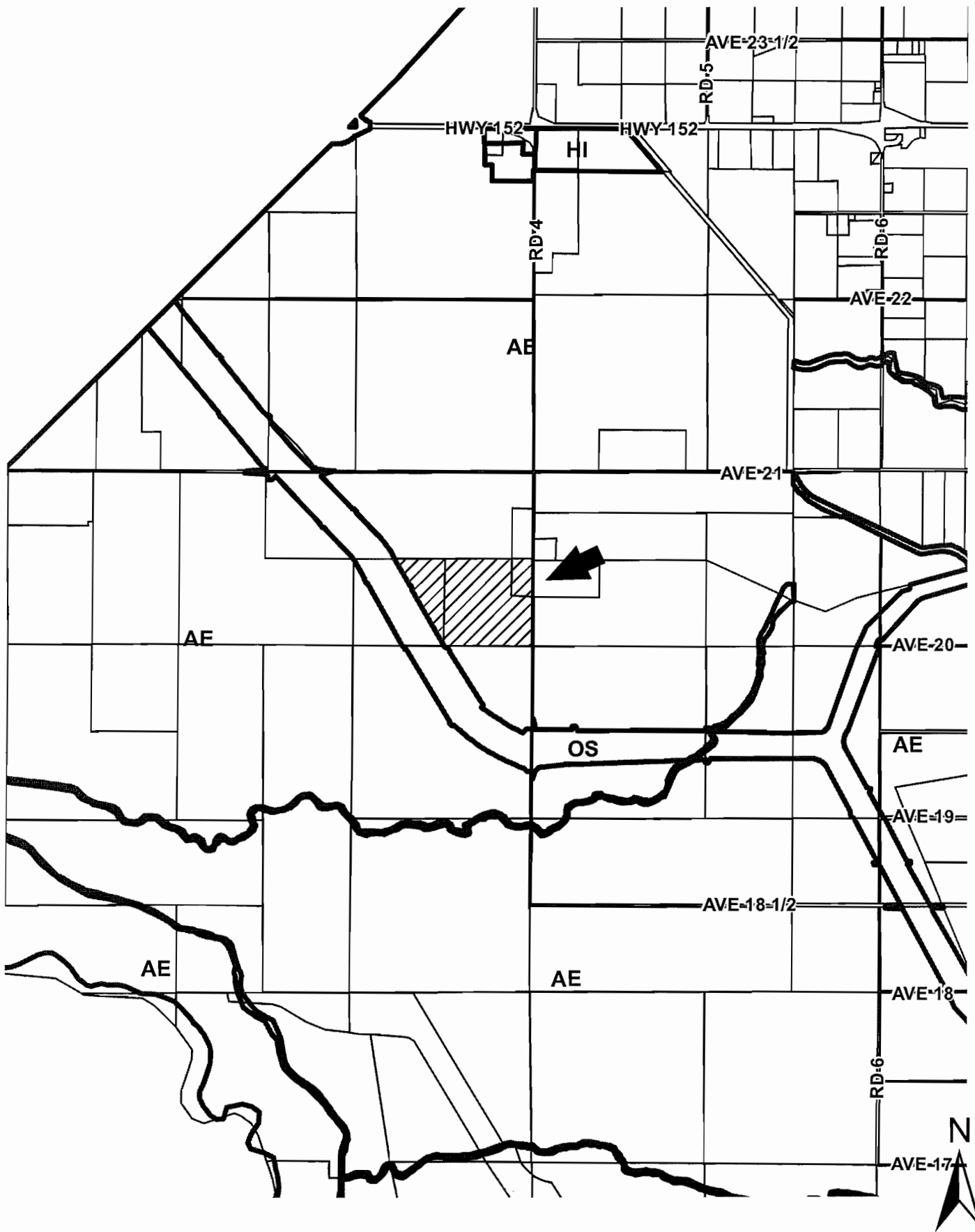
Comply with all requirements as set forth by the San Joaquin Valley Air Pollution Control District.

Department of Conservation (Exhibit O)

Comments incorporated into project conditions.

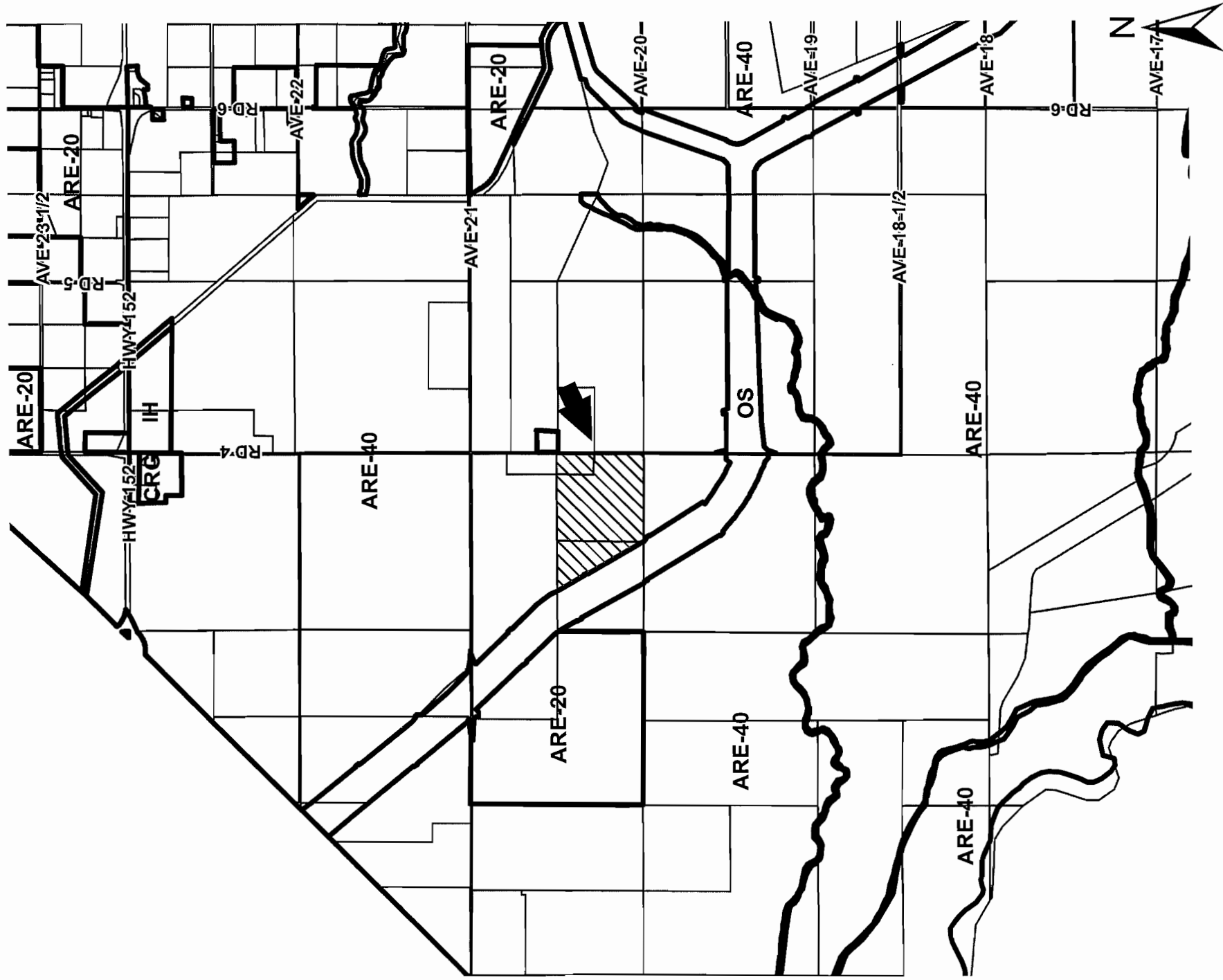
ATTACHMENTS:

Exhibit A	General Plan Map
Exhibit B	Zoning Map
Exhibit C	Assessors Map
Exhibit D-1-4	Project Plans
Exhibit E	Aerial Map
Exhibit F	Topography Map
Exhibit G	Operational/Environmental Statement Checklist
Exhibit H	Applicant's Findings of Fact
Exhibit I	Applicant's Williamson Act Compatibility Analysis
Exhibit J	Engineering Department Comments
Exhibit K	Environmental Health Department Comments
Exhibit L	Fire Department Comments
Exhibit M	Road Department Comments
Exhibit N	Department of Conservation Comment
Exhibit O	Air Pollution Control District Comment
Exhibit P	Initial Study
Exhibit Q	Mitigated Negative Declaration
Exhibit R	Applicant's Documentation of Neighborhood Meeting

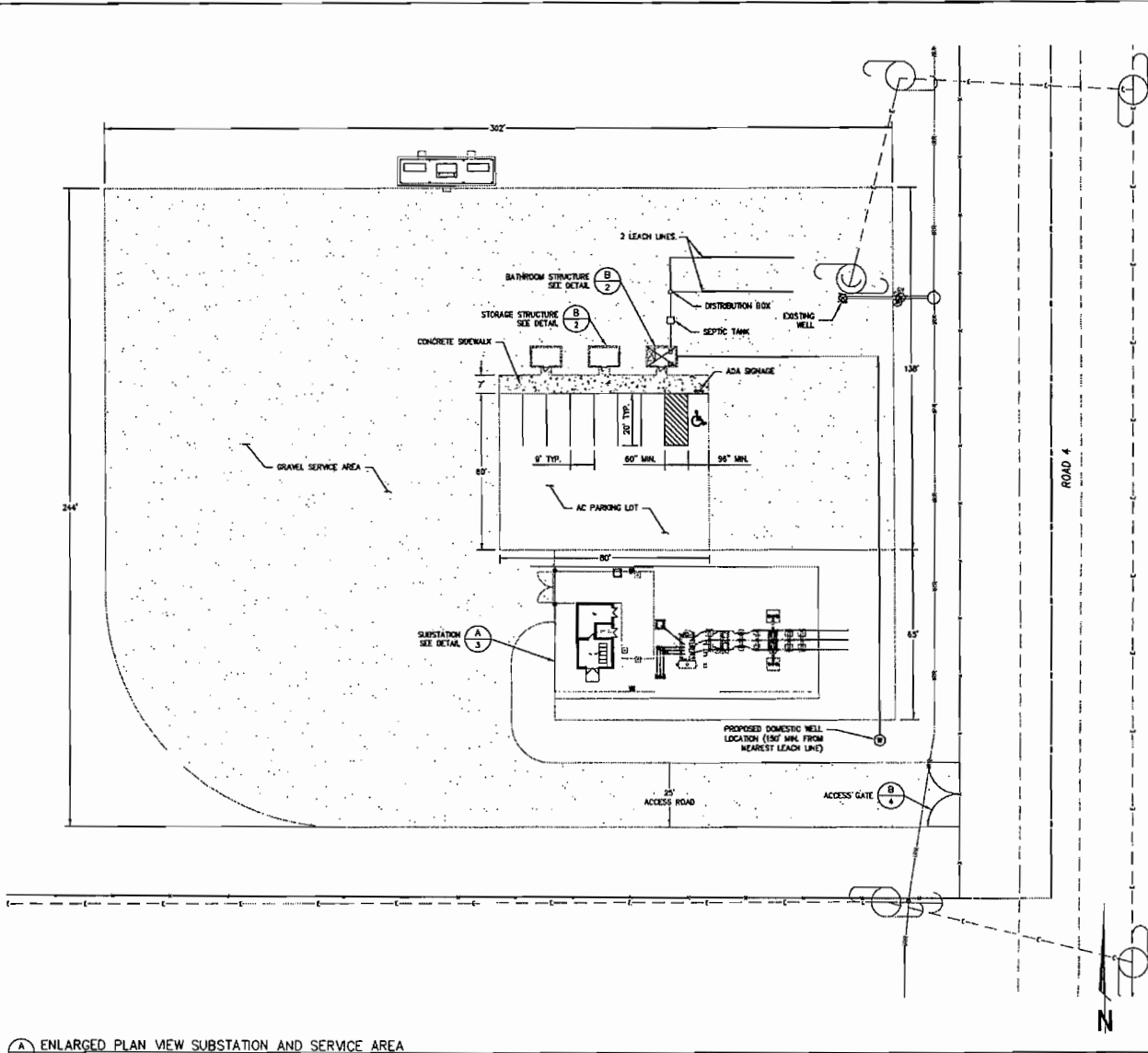


GENERAL PLAN MAP

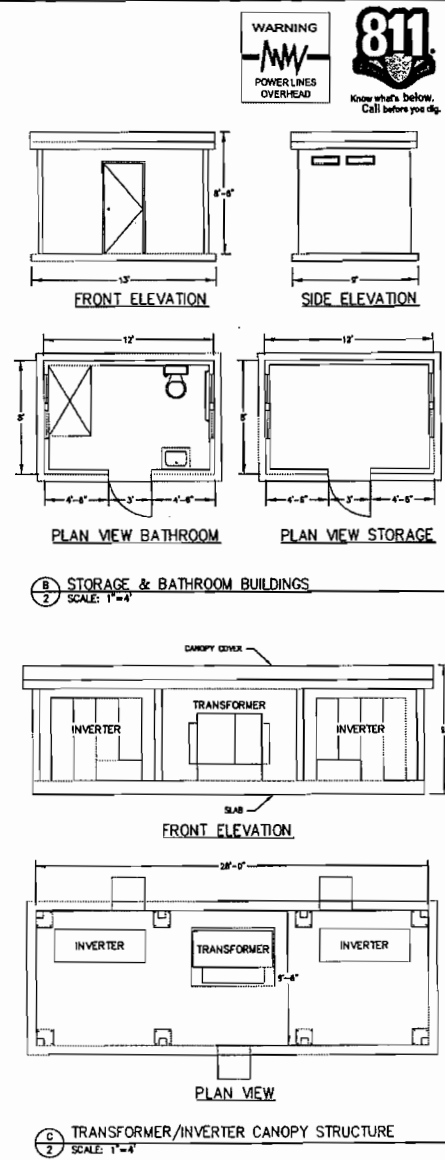
EXHIBIT B



ZONING MAP



A
2 ENLARGED PLAN VIEW SUBSTATION AND SERVICE AREA
SCALE: 1"=20'



WARNING
POWER LINES OVERHEAD
811
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DESIGN ENGINEER:
LICENSE NO.:

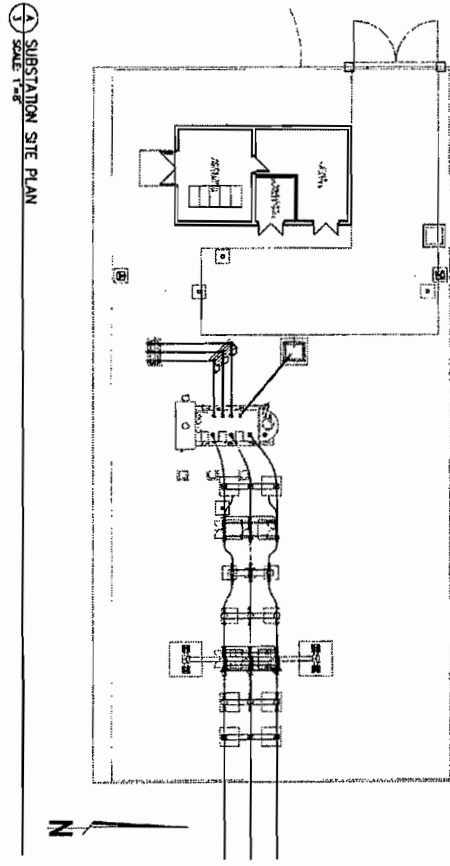
DRAFTED BY: [] CHECKED BY: []
SCALE: AS SHOWN
DATE: 08/23/2019
JOB NO: 20291001
DWG. NO.
SHEET

MADERA SOLAR SITE
CAL SP V, LLC
SOLAR PARK
MADERA COUNTY
CONDITIONAL USE PERMIT

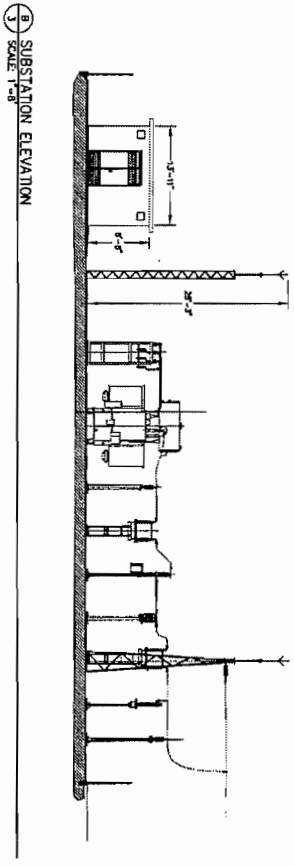
PARKING LOT & BATHROOM STRUCTURE

NO. BY DATE

REVISED



④ SUBSTATION SITE PLAN
SCALE 1/8"



⑤ SUBSTATION ELEVATION
SCALE 1/8"



CONSENT TO PROCEED & RELEASE
 Madera Solar Site, LLC, Madera Solar Pack, LLC, and other electric utility rights to their poles, lines and other facilities to be installed, changed or moved in any form or manner whatsoever, as are they to be used in a like manner as shown on the attached Plans and Specifications, and in the event of any dispute arising out of these plans, the Madera Solar Site, LLC, Madera Solar Pack, LLC, and other electric utility shall be the party to be held liable for the cost of removal, relocation, and other expenses incurred by the electric utility in connection with carrying out and working these plans.

No.	REVISION	BY	DATE

MADERA SOLAR SITE
 CAL SP V, LLC
 SOLAR PACK
 MADERA COUNTY
 CONDITIONAL USE PERMIT
 SUBSTATION SITE PLAN

PROVOST & PRITCHARD
 An Employee Owned Company
 100 WEST ORANGE AVENUE
 FRESNO, CALIFORNIA 93710-1861
 558/448-1700 FAX 558/448-1715
 www.ppv.com

DESIGNED BY: PROVOST & PRITCHARD
 DRAWN BY: PROVOST & PRITCHARD
 CHECKED BY: PROVOST & PRITCHARD
 DATE: 08/12/2010
 SHEET NO.: 3 of 4

EXHIBIT E



AERIAL MAP

Madera County Planning Department
2037 W. Cleveland Avenue MS-G, Madera CA 93637

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1. Please provide the following information

Assessor's Parcel Number: APNs 20-150-07, 08, 14
Applicant's Name: Cal SP V, LLC Contact: Robert Worthington
Address: 3730 Mt. Diablo Blvd. #120 Lafayette, CA 94549
Phone Number: (925) 283-7600

2. Describe the nature of your proposal/operation.

Development of a 20 MW photovoltaic facility, including installation of ground-mounted solar panels, a parking lot and bathroom structure, inverter buildings, and sub-station.

3. What is the existing use of the property?

The 210 acre site is in field crops.

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?

No products will be produced on site. The photovoltaic facility will produce solar electricity for input to the PG&E grid.

5. What are the proposed operational time limits?

Months (if seasonal):

Days per week: The facility will operate 7 days per week.

Hours (from ___ to ___):

Total Hours per day: Electricity will be produced during daylight hours.

7. How many customers or visitors are expected?

Average number per day: 0

Maximum number per day: 0

What hours will customers/visitors be there? N.A.

8. How many employees will there be?

Current: None

Future: 2

Hours they work: During facility operation, generally 8 hours per day.

Do any live onsite? If so, in what capacity (i.e. caretaker)?

9. **What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.**

No employees will live on site.

10. **Will there be any service and delivery vehicles?**

Number: 2

Type: Pick up and water truck.

Frequency: Employees will monitor daily. Water truck will be used for washing panels 2-3 times/month.

11. **Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.**

The parking lot will include 8 parking spaces for employees and company officials. The parking lot will be surfaced with blacktop.

12. **How will access be provided to the property/project? (street name)**

Access will be provided from Road 4, a paved 2-lane County road.

13. **Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.**

5-10 trips per day.

14. **Describe any proposed advertising including size, appearance, and placement.**

No advertising signs will be present. On-site signage will consist of informational signs relating to emergency contact information and "Do Not Enter" signage.

15. **Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.**

New buildings will be constructed. These will include an approximate 120 s.f. restroom (prefabricated), installation of photovoltaic panels, construction of 280 square foot inverter building (s), and construction of a on-site sub-station.

16. **Is there any landscaping or fencing proposed? Describe type and location.**

The perimeter of the site will be fenced. Due to isolated location, landscaping will be minimal and located only near the proposed parking lot/restroom.

17.

- What are the surrounding land uses to the north, south, east and west property boundaries?**

The property is bounded on all sides by agriculture, primarily field crops.

18.

- Will this operation or equipment used, generate noise above other existing parcels in the area?**

No noise will be generated by the use.

- 19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).**

The small restroom will use a small amount of water estimated at 20 gallons per day. A water truck will be used 2-3 times per month to wash the surface of the solar panels; this use is estimated at 20,000 gallons per month. The source of water will be an existing ag well on site.

- 20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?**

The only source of wastewater will be the small restroom. Daily generation is estimated at 20 gallons which will be disposed of in a septic tank.

- 21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?**

Given the limited use of the property, no solid waste is anticipated to be generated.

- 22. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)**

No trees are on the property. Minor grading will be required for installation of the solar panels.

- 23. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.**

No cultural studies have been performed. However, extensive ground disturbance has occurred over time with the agricultural use of the property.

- 24. Locate and show all bodies of water on application plot plan or attached map.**

There are no bodies of water or wetlands located on the site.

- 25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.**

The site is flat and has been graded for agricultural use. There are not ravines, gullies or natural drainage courses on the property.

- 26. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?**

No hazardous materials will be used or produced as part of the project.

- 27. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)**

The project will not require the use of any public services. Because no one will live on the site, there will be no impact on schools or parks. The use will provide its own security including pole mounted lights with security cameras around the site perimeter.

- 28. How do you see this development impacting the surrounding area?**

The site will not impact the surrounding agricultural uses.

- 29. How do you see this development impacting schools, parks, fire and police protection or special districts?**

Please see the response to No. 27, above.

30.

If your proposal is for commercial or industrial development, please complete the following;

Proposed Use(s): 20 MW photovoltaic energy facility

Square feet of building area(s): Approximately 1,000 s.f. cumulative structures.

Total number of employees: 2

Building Heights: Buildings will be approximately 10 feet in height.

31. If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map.

N.A.

End

OPERATIONAL STATEMENT
SOLAR ENERGY FACILITY
SWC OF AVENUE 20 ½ and ROAD 4
MADERA COUNTY, CA.

APPLICANT

Cal SP V, LLC

Contact: Mr. Robert Worthington

3730 Mt. Diablo Boulevard, Suite 120

Lafayette, CA 94549

PROPERTY OWNER

Clay and Paulette Haynes

APNs

20-150-07, 08, and 14

The site is zoned ARE-40 and is subject to a Williamson Act contract.

REQUEST

Approval of a Conditional Use Permit to develop a 20 MW solar energy facility in unincorporated Madera County, California. On April 28, 2010, Madera County approved a zoning ordinance amendment to allow solar installations on agricultural land subject to first securing a Conditional Use Permit (Ordinance 18.04 adding Sections 18.42.010 to 18.94). The proposed site is 215 +/- acres of property generally located at the southwest corner of Road 4 and the Avenue 20½ alignment southwest of the City of Chowchilla. The proposed solar facility will consist of free standing ground mounted photo voltaic

solar panels resting on steel posts. The subject property is currently farmed with row crops.

BACKGROUND

The *2009 Integrated Energy Policy Report*, prepared by the State of California Energy Commission stated, "...the driving force for the state's energy policies continues to be maintaining a reliable, efficient, and affordable energy system that minimizes the environmental impacts of energy production and use." In addition, the Governor's Executive Order #S-21-09 required the State of California Air Resources Board to develop regulations for a 33 percent Renewable Energy Standard for retail sellers (publicly owned utilities) of power within the state.

The development and utilization of large scale photovoltaic facilities provide the opportunity to meet this goal by providing emission free energy with minimal impacts.

In order to be effective, the energy generated from commercial solar energy generation facilities must be transmitted to the electrical utility grid in the minimal distance possible. Therefore, the primary factor in determining the location for commercial solar energy generation facilities, or "solar farms," is the proximity of electrical distribution systems. In addition, such facilities need to be located on relative large parcels of land, should be on relatively flat ground, and removed from intense urban uses.

PROPOSAL

The subject property is currently farmed with row crops and is surrounded by similar agricultural uses. The property is approximately 215 acres in size, is level and immediately adjacent to existing PG&E major transmission lines.

Cal SP V, LLC (Applicant) proposes to develop a 20 MW photovoltaic energy facility on approximately 215 +/- acres of property generally located on the SWC of the Road 4 and the Avenue 20 ½ alignment. As shown in the attached plans, the proposed development would consist of:

- Installation of photovoltaic panels;
- Installation of twenty (20) 280 +/- square foot inverter buildings;
- Installation of a sub-station at the southeast corner of the site;
- Installation of a 120 square foot prefabricated restroom plumbed with water and connected to a septic system;
- Two (2) 120 square foot buildings for tools and storage;
- Development of a eight (8) space parking lot;
- Installation of a chain link fence around the perimeter of the property.

The photovoltaic panels will be mounted on single axis trackers. The tracking system will consist of galvanized steel rails on galvanized steel posts set in concrete piers. The panels will be mounted on the rails that will be oriented north to south to tilt in the direction of the sun's orientation. The panels will be approximately 3' x 6' in size and extend a maximum of eight (8) feet above the ground.

Photovoltaic energy will be transmitted via cable to the inverter stations and from that point to a proposed sub-station located at the southeast corner of the property.

Typically, two (2) employees would be at the site for maintenance and monitoring activities once the project is operational. By the nature of the use, it will not operate at night and the only lighting provided will be at the parking lot area. To insure security at the site, the parking lot will be accessed through a locked gate.

Given the limited use of the property, no solid waste is anticipated to be generated. Waste water will be limited to that generated by the on-site restroom and is anticipated to be less than 20 gallons per day. A septic system consistent with the requirements of Tulare County will be installed. A water truck will be used 2-3 times per month to wash the surface of the solar panels; this use is estimated at 20,000 gallons per month. The source of water will be an existing ag well on site.

The on-site signage will consist of informational signage relating to emergency contact information and "Do Not Enter" signage.

As noted above, the proposed development is consistent with the Madera County General Plan, will have a minimal impact on the environment and will help California meet its renewable energy goals

DRAFT Findings of Fact
Madera County Conditional Use Permit Application
Solarpack, Inc.

1. *The proposed project (request) does not violate the spirit or intent of the Zoning Ordinance.*

The project site is zoned for agricultural use and solar facilities are permitted subject to a CUP. The project is designed with an Area Coverage Ratio of 18% and only 38.7 acres of the 215 acres of the total project size will be covered by panels, buildings and related equipment. The remainder will be available for dry agriculture crop farming for dust control and as a feed crop. Sheep will in turn maintain the height of the dry agriculture crop.

The project is a temporary use. California Revenue and Tax Code Section 61(c) for Prop. 13 purposes and California Revenue and Tax Code 11911 for transfer tax purposes limit leases to 35 years or a transfer of ownership will be considered to have taken place. The total entitlement, construction and production phases of our lease with the owner totals 34 years to specifically avoid an unintended transfer. All equipment will be removed at lease term end, to allow an easy transition into other agricultural uses.

Factors involved in selection of the project site include capacity of the local electrical infrastructure to accept new electricity generation and physical distance from the connection. The project has direct access to a PG&E Substation with adequate capacity for the project to interconnect and deliver the rated output of the facility. There are very few substations with capacity to accept new generation located outside urban areas. The project will not require new transmission lines, third party easements or other elements that impact the environment and project feasibility.

2. *The proposed project (request) is not contrary to the public health, safety, and general welfare.*

The acquisition of agricultural land to build new electric power generation and transmission facilities and consequent consumption of agricultural resources is an ongoing process in the San Joaquin Valley today. The proposed Solar PV project creates the ability to meet future electrical power needs pressed by the growing San Joaquin Valley population, with an electricity generation facility that allows flexibility and only minor impacts.

The proposed project is proximate to the cities of Chowchilla, Los Banos, Merced, and Dos Palos. The proposed facility will consume an estimated 20,000 gallons of water a month for all plant activities, primarily washing of panels. The project will avoid 6.5 thousand tons of carbon release into the atmosphere and will not contribute any other green house gases. The proposed plant can supply the electrical needs of 20,000 homes.

AB 32, signed into law in 2008, mandates, among other things, local governments to take certain actions to reduce greenhouse gas (GHG) emissions. While these actions relate primarily to reduced vehicle trips and energy consumption, agricultural counties such as Madera must also consider actions related to agricultural production and operations. Solar power generation will play an important role in reducing GHG emissions and help address the range of issues surrounding climate change.

The CUP process will provide for conditions of approval and mitigation measures resulting from review under CEQA. These measures will be applied by Madera County as a condition of project approval.

3. *The proposed project (request) is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors.*

The project will not use, store or dispose of hazardous materials that could adversely effect the long-term productivity of the subject site or surrounding properties. The project has no characteristics that would produce noise, smoke, or odor. A common concern with solar facilities is the potential for glare from the solar panels. The panels, however, are designed for maximum efficiency to absorb sunlight and do not produce glare.

4. *The proposed project (request) will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County.*

Dry farming agricultural married to sheep husbandry will seek to maintain the agricultural setting within the plant and not impede any agricultural activity on the remainder of the subject property or surrounding lands. The use is temporary. The lease with the owner limits construction and operation of the plant to 31 years and the removal of the equipment is stipulated for an easy transition of the facility back to plant farming.

The project will not use commercial water supplies or impact irrigation water supplies and our lease specifically leaves water rights in the possession of the owner.

The project has no characteristics that could compromise the long-term productivity of surrounding parcels. The project will not use irrigation supplies, generate traffic that could congest roadways or present hazards to farm equipment, produce dust or noise, or use chemicals that could overspray and effect adjacent fields.

Compatibility of Solar Facilities with The Williamson Act – CUP No. 2010-015, Cal SP V, LLC

Through investigation and analysis of the California Government Code and the Williamson Act, we have highlighted some information to support solar energy facility as a compatible use.

The California Government Code (CGC), Section 51238. (a) (1) states the following, "Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve."

Further, 51238(a)(2) offers more support and says, "No land occupied by gas, electric, water communication, or agriculture laborer housing facilities shall be excluded from an agriculture preserve by any reason of that use."

Compatibility criteria from the CGC and discussion of salient project attributes follows:

CGC 51238.1 (a) Uses approved on contracted lands shall be consistent with all of the following principals of compatibility:"

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

- a. CAL SP V is designed with an Area Coverage Ratio of 18% and only 37.8 acres of the 210 acres of the total project size will be covered by panels, buildings and related equipment. The remaining 172.2 acres will be available for dry agriculture crop farming for dust control and as a feed crop. Sheep will in turn maintain the height of the dry agriculture crop.
- b. The CAL SP V project is a TEMPORARY USE. California Revenue and Tax Code Section 61(c) for Prop. 13 purposes and California Revenue and Tax Code

11911 for transfer tax purposes limit leases to 35 years or a transfer of ownership will be considered to have taken place. The total entitlement, construction and production phases of our lease with the owner totals 34 years to specifically avoid an unintended transfer. All equipment will be removed at lease term end to allow an easy transition into other agricultural uses.

- c. Conventional steel and concrete building techniques shall be employed in the construction of the Solar electric facility allowing ease of removal with ordinary construction equipment and swift return to other agricultural activities.
- d. CAL SP V will not use commercial water supplies or impact irrigation water supplies and our lease specifically leaves water rights in the possession of the owner.
- e. The CAL SP V project will not use, store or dispose of hazardous materials that could adversely effect the long-term productivity of the subject site or surrounding properties subject to contract.
- f. The CAL SP V project has no characteristics that could compromise the long-term productivity of surrounding contracted parcels. The project will not use irrigation supplies, generate traffic that could congest roadways or present hazards to farm equipment, produce dust or noise, or use chemicals that could overspray and effect adjacent fields.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

- a. CAL SP V is designed with a low Area Coverage Ratio of 18% and of the 210 acres of the total project size only 37.8 acres will be covered by panel, buildings and related equipment. The remaining 172.2 acres will be available for dry agriculture crop farming for dust control and as a feed crop. Sheep will in turn maintain the height of the dry agriculture crop.
- b. The CAL SP V project is considered temporary. The California Revenue and Tax Code limits leases to 35 years or a transfer of ownership will be considered to have taken place. The lease with the owner totals 34 years to specifically avoid an unintended transfer. All equipment will be removed at lease term end, to allow an easy transition into other agricultural uses.
- c. California agriculture uses an estimated 7-10% of all electricity in the state with consumption rates expected to grow at 2-5% annually over the next decade. This electricity is used for growing, processing and transporting agricultural products to local state, national, and world markets. As a result, other farmlands in the area will directly benefit from increased electrical generation, particularly from Solar Photo Voltaic Electricity which is renewable and creates no adverse impacts on adjacent farmlands.

(3) The use will not result in significant removal of adjacent contracted land from agriculture or open space use. In evaluating compatibility a board or council shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.

- a. The project location is unique. Factors involved in selection of the project site include capacity of the local electrical infrastructure to accept new electricity generation and physical distance from the connection. A PG&E study has concluded there is capacity for our project to interconnect and deliver the rated output of the facility. There are very few substations with capacity to accept new generation located outside urban areas. The project will not require new transmission lines, third party easements or other elements that impact the environment and project feasibility.

- b. The subject site is used for row crops, unlike surrounding properties that are planted to permanent tree crops. Row crop lands do not require the removal of more valuable tree crops and generally exclude endangered species and their habitats as a result of previous agricultural activities. Undisturbed lands are not desirable, because they likely include endangered species and habitats. The project is not in a flood plain.
- c. In the region surrounding the site, there are few if any non-contracted lands and none that share the same attributes as the subject site, including land in row crops and proximity to a substation. Because of these factors, development of a solar facility on the subject site will not result in the removal of adjacent contracted land from agriculture as there is capacity for only one project and only one suitable site in the vicinity of the substation.

Department of Conservation Short Paper:

We also reviewed the recently distributed California Department of Conservation publication entitled, "Solar Power and the Williamson Act". At page 2, the publication contains considerations for compatibility with the Williamson Act and the Cal SP V project was reviewed in light of those criteria. Our responses follow the italicized comments from the report:

Finally, under specific circumstances, a solar power generation facility may be approved by a city or county even if it is inconsistent with the principals of compatibility if: "

(1) the proposed site is located on non-prime land.

According to the Madera Area Soil Survey, soils on the site are loams and sandy loams (Grangeville and Traver). These soils are characterized by a hardpan layer and saline-alkali to the surface with storie index ratings of 60-70. These soils would not be prime but are of Statewide Importance.

(2) the proposed site is pursuant to a Conditional Use Permit (CUP)”

An application for a CUP has been submitted for the project.

(3) The following four findings are made, based on substantial evidence in the record:

1)The CUP requires mitigation or avoidance of onsite and offsite impacts to agricultural operations.

- a. The CUP process will provide for conditions of approval and mitigation measures resulting from review under CEQA. These measures will be applied by Madera County as a condition of project approval.
- b. In addition to conditions of approval applied by Madera County, the project has several attributes that mitigate potential impacts. The very small footprint, only 37.8 acres of panels and buildings and resulting coverage ratio of only 18% within the project, reduces potential agricultural impacts.
- c. Cal SP V proposes dry crop agriculture farming on a ground cover crop for dust control and as a feed crop in conjunction with seasonal sheep grazing.
- d. No existing or future irrigation water will be used in the construction or operation of the facility and will be available for use on surrounding lands.
- e. The CAL SP V project has no characteristics that could compromise the long-term productivity of surrounding contracted parcels. The project will not use irrigation supplies, generate traffic that could congest roadways or present hazards to farm equipment, produce dust or noise, or use chemicals that could overspray and effect adjacent fields.

2) The productive capability of the subject land has been considered as well as the extent to which the solar power generation facility may displace or impair agricultural operations.

- a. Of the 210 acres of non-prime farm land included in this property, only 37.8 acres would be converted into non-agricultural use for the 30-year production life of the project.
- b. The CAL SP V project is a TEMPORARY USE. The California Revenue and Tax Code limits leases to 35 years or a transfer will be considered to have taken place. The total entitlement, construction and production phases of our lease with the owner totals 34 years to specifically avoid an unintended transfer. All equipment will be removed at lease term end, to allow an easy transition into other agricultural uses.

(3) The solar power generation facility is consistent with the purpose of the Williamson Act, to preserve agricultural and open-space land, or support the continuation of agricultural uses, or the use or conservation of natural resources, on the contracted parcel or on other parcels in the agricultural preserve.

- a. The acquisition of agricultural land to build new electric power generation and transmission facilities and consequent consumption of agricultural resources is an ongoing process in the San Joaquin Valley today. The proposed Solar PV project protects the agricultural preserve by creating the ability to meet future electrical power needs pressed by the growing San Joaquin Valley population, with an electricity generation facility that allows flexibility and only minor impacts.
- b. The proposed project is proximate to the cities of Chowchilla, Los Banos, and Merced. The PV facility will connect directly to the substation located in the project area. The proposed facility will consume less than 600 gallons of water a day for all plant activities. The project will avoid 6.5 Thousand Tons of Carbon release into the atmosphere and will not contribute any other green house gases. The proposed plant can supply the electrical needs of 15,000 homes. Dry farming agricultural married to sheep husbandry will seek to maintain the agricultural setting within the plant and not impede any agricultural activity on

surrounding lands. The use is temporary. The lease with the owner limits construction and operation of the plant to 31 years and the removal of the equipment is stipulated for an easy transition of the facility back to plant farming.

- c. Most newly constructed electrical generation facilities are natural gas or coal fired plants, which require large amounts of land generally situated in agricultural preserves and rural agricultural settings, consuming large amounts of water to cool turbine steam and require the construction of large new transmission lines, all the while releasing large amounts of carbon dioxide, carbon monoxide, nitrogen oxides and particulates, into the atmosphere. Other forms of electric power generation must be situated near the resource (hydro, wind and geothermal) and require large new electrical transmission lines to transport the power to locations of consumption. Plant decommissioning is a difficult and lengthy process with many lasting consequences.
- d. "Distributed Solar PV", a term coined in Spain to describe facilities of the type that is proposed, has managed the creation of more than 2000 Mega Watts of new electric power generation without the need for any new transmission lines and while maintaining a strong agricultural tradition.
- e. AB 32, signed into law in 2008, mandates, among other things, local governments to take certain actions to reduce greenhouse gas (GHG) emissions. While these actions relate primarily to reduced vehicle trips and energy consumption, agricultural counties such as Madera must also consider actions related to agricultural production and operations. Solar power generation will play an important role in reducing GHG emissions and leading to consistency with the Sustainable Community Strategy prepared in response to SB 375.

(4) The solar power generation facility does not include a residential subdivision.

The proposed project does not include a residential subdivision.

Engineering and G

2037 West Cleveland
Avenue
Madera, CA 93637
(559) 661-6333
(559) 675-7639
FAX
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TDD

40601 Road 274
Bass Lake, CA
93604
(559) 642-3203
(559) 658-6959
FAX

engineering@madera-county.com

MEMORANDUM

TO: Scott Harmstead
FROM: Madera County
DATE: November 4, 2010
RE: Cal SP V, LLC - Conditional Use Permit - Chowchilla (020-150-007-000)

Comments

DATE November 3, 2010

TO Scott Harmstead, Planning Department

FROM Dario Dominguez, Assistant Engineer - DEGS

SUBJECT CUP 2010-015 Cal Sp V, LCC (APN 020-150-007)

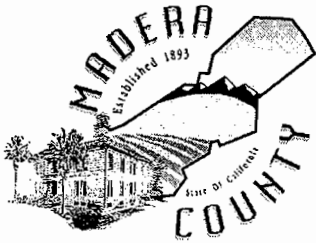
This department does not object to this request, recommends approval and submits the following comments and conditions:

- 1) The identified parcel appears to be located within Flood Zone 'A', an area determined to be inundated by 100-year flood with no base flood elevations determined
- 2) The subject property is not within a Maintenance District or Service Area administered by the Madera County Engineering Department.
- 3) Prior to the start of any new construction or remodeling, the applicant shall secure a Building Permit at Madera County Department of Engineering and General Services. All construction shall meet the applicable standards and specifications of the Federal Code of Regulations. The applicant's architect or engineer shall identify the occupancy and type of construction proposed. All plans must be prepared by a registered civil engineer or licensed architect.
- 4) If any grading is to occur, the applicant shall submit a detailed grading, drainage and erosion control plan (11x17 and 24X36 2-sets) to the Engineering Department. This plan shall identify onsite retention for any increase in storm water runoff generated by this project. The basis for all designs shall be the provision of capacity for the runoff from a 100 year, 48 hour storm event. The grading, drainage and erosion control plan shall be prepared by a registered civil engineer and shall meet all applicable standards of the Uniform Building Code and the Madera County Code.
- 5) The applicant is required to retain onsite, or make other provisions, to mitigate to pre project flow conditions, any increase in storm water runoff generated by this project. The applicant shall submit a storm water management plan prepared by a registered civil engineer addressing no net change to storm

water quantities as a result of this project.

Additionally the Building Department has submitted the following comments:

A. Prior to start of construction for the proposed buildings and associated permanent equipment if any, the applicant shall secure a building permit from the Engineering/Building Department. All construction shall meet the requirements of all applicable codes, including but not necessarily limited to, the California code of Regulations, Title 24, Parts 1 through 12.



RESOURCE MANAGEMENT AGENCY

EXHIBIT K

ENVIRONMENTAL HEALTH
Jill S. Yaeger, Director

MEMORANDUM

TO: Planning Department
FROM: Phil Hudecek, Supervising REHS
DATE: November 5, 2010
RE: CUP #2010-005 Solar Farm, APN's 020-150-007, -008 & -014

The Environmental Health Department has reviewed the Conditional Use Permit CUP #2010-005 Solar Farm, located on APN's: 020-150-007, -008 & -014, within the Chowchilla area and has determined the following:

All required set-backs shall be maintained through-out all construction activities and on-going operation of this development.

The owner/operator of this development must obtain all the necessary specific program MCEHD permits prior to any construction activities on site.

If there are any questions or comments regarding these conditions/requirements please feel free to contact me, Phil Hudecek within this department at (559) 675-7823, M-F, 8:00 AM to 5:00 PM.

MADERA COUNTY FIRE DEPARTMENT
IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2037 W. CLEVELAND
MADERA, CALIFORNIA 93637
(559) 661-6333
(559) 675-6973 FAX

DEBORAH KEENAN
MADERA COUNTY FIRE MARSHAL

MEMORANDUM

TO: Scott Harmstead
FROM: Deborah Keenan, Fire Marshal
DATE: November 3, 2010
RE: Cal SP V, LLC - Conditional Use Permit - Chowchilla (020-150-007-000)

Comments

Fire conditions will be addressed upon application for building permits. No conditions to apply to the requested CUP.



RESOURCE MANAGEMENT AG Road Department

Johannes J. Hoevertsz, Road Commissioner

MEMORANDUM

TO: Scott Harmstead, Planning Department, Madera County

FROM: H. Mitch Hemaidan, Development Services Engineer, Road Department 

DATE: October 25, 2010 *H. Mitch Hemaidan*

RE: **C.U.P. 2010-015, Soto – Solar Ranch**

We have reviewed the above-noted project to develop a 20 MW photovoltaic facility, including installation of ground mounted solar panels, a parking lot and restroom structure, inverter buildings and sub-station.

The proposed project has access onto Rd 4. Road 4 is designated as a collector road requiring a minimum road right-of-way of 80 ft. Existing right-of-way is 70 ft.

The Road Department has the following conditions of approval:

1. As a condition of approval of the CUP, the applicant shall grant deed a strip of land 5 ft wide contiguous to Road 4.
2. As a condition of approval, the applicant shall be required to construct a driveway approach. This approach shall be constructed per County of Madera commercial standard. An Encroachment Permit will be required prior to any construction within County right-of-way.

NATURAL RESOURCES AGENCY

AF

**DEPARTMENT OF CONSERVATION***Managing California's Working Lands***DIVISION OF LAND RESOURCE PROTECTION**

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

November 10, 2010

VIA FACSIMILE (55%) 675-6573

Mr. Scott Harmstead, Project Planner
Madera County Planning Department
2037 W. Cleveland Avenue MS-G
Madera, CA 93637

Subject: Early Consultation Review for Cal SP V, LLC - 20 MW Solar Energy Facility

Dear Mr. Harmstead:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Early Consultation Review of the Cal SP V, LLC - 20 MW Solar Energy Facility. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description:

The project proposes to develop a 20 MW Solar Facility and to graze sheep in between the solar panels to maintain agricultural activities on-site. The subject property is immediately adjacent to existing PG&E major transmission lines, is currently farmed with row crops, and is surrounded by similar agricultural uses.

The Madera County 2008 Important Farmland map, created by the Department's Farmland Mapping and Monitoring Program, designates the site as Farmland of Local Importance, Statewide Importance, and Prime Farmland. The site is also subject to an existing Williamson Act contract.

Division Comments:

The Department of Conservation considers the construction of a solar facility that removes or replaces agriculture on agricultural lands to have a significant impact on those agricultural lands, especially Important Farmland. While a solar facility may be an allowed use under the County's zoning and General Plan, it can and should be considered an impact to the project site's agricultural resources under CEQA.

The early consultation information states that the applicant proposes sheep grazing under the solar panels. PV solar facilities typically replace the agricultural operation on the parcel. The Division is unaware of any successful examples of agricultural cultivation or grazing underlying

Mr. Scott Hamstead
November 10, 2010
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an operating PV solar generation facility in the State of California. Because of this, the Division strongly suggests that the County require mitigation for the likely loss of Prime and Important Farmland through the purchase of agricultural conservation easements or the donation of mitigation fees to offset the loss of farmland.

Cancellation of Williamson Act Contracts

Generally, land can only be withdrawn from a Williamson Act contract through the nine-year non-renewal process. However, due to AB 32 and renewable energy priorities of the State, there are instances in which the cancellation of a contract for a solar facility may be made in the public interest (Government Code §51282(c)). The Division has suggested this alternative in the past with respect to proposed solar facilities on *non-prime* Williamson Act contracted land, typically grazing land or land of marginal agricultural value.

If a cancellation (or partial cancellation) is proposed, notification must be submitted to the Department when the County accepts the application as complete (Government Code §51284.1), and the Board must consider the Department's comments prior to approving a tentative cancellation. Required findings must be made by the Board in order to approve a tentative cancellation (Government Code §51282(c)), and a cancellation fee would need to be paid prior to construction of the project (Government Code §51283).

We recommend that the CEQA document include a discussion of how cancellations involved in this project would meet the required findings of Government Code §51282(c). Notification of the application for cancellation must be submitted to the Department of Conservation separately from the California Environmental Quality Act (CEQA) notification process. The notice should be mailed to:

Department of Conservation
C/o Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814-3528

Conditional Use Permit and Mitigation Measures

The Department of Conservation considers the construction of a solar facility that removes or replaces agriculture on agricultural lands to have a significant impact on those agricultural lands. While a solar facility may be an allowed use under a county's zoning and general plan, it can and should be considered an impact to agricultural resources under CEQA. The Department also feels that the removal of agriculture on Important and Prime Farmland should be at least partially mitigated, due to the potentially long-term impairment/displacement of agricultural resources. The loss of agricultural land represents a reduction in the State's agricultural land resources. The Division has witnessed the negative impacts of non-operational wind power generation facilities and related equipment that have been left to deteriorate on agricultural land. For that reason, the Division offers a variety of permitting conditions the County might choose to use for solar projects on agricultural land:

Mr. Scott Harnstead
November 10, 2010
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- Require a reclamation plan suited for solar facilities, based on the Surface Mining and Reclamation Act (SMARA) principals. As part of this plan, a performance bond or other similar measure may be used.
 - A typical requirement would be for the soil to be restored to the same condition it was in prior to the solar facility's construction. Whatever project-related materials have been brought in, or changes made to the land (i.e. grading, roads, compaction, equipment), is to be removed once the solar (or portions of) is no longer active.
- Solar facility projects are generally considered temporary. Counties could require a time frame for the conditional use permit where a new permit must be applied for after a certain period. Because this is a new and unprecedented use for agricultural land, this would allow the County flexibility in determining what conditional uses or conditions may be appropriate in the long term.
- Require permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land.
 - Because Williamson Act contracts may be terminated, the Department recommends that this ratio of conservation easements to lost agricultural land be increased.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The proposed conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area. The use of conservation easements is only one form of mitigation, and any other feasible mitigation measures may be considered and deemed acceptable by the County to offset impacts to agricultural land.

Thank you for giving us the opportunity to comment on the Early Consultation Review for the Cal SP V, LLC - 20 MW Solar Energy Facility. As noted above, the Board of Supervisors is required to make findings in order to approve a tentative cancellation. Please provide this Department with a copy of the CEQA document when completed, the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program

October 28, 2010

Scott Harmstead
County of Madera
Planning Department
2037 W Cleveland Avenue
Madera, CA 93637

Project: CUP No. 2010-015, Cal SP V, LLC – CUP - Chowchilla

District CEQA Reference No: 20100813

Dear Mr. Harmstead:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of installing a 20 MW photovoltaic facility, located Madera County, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project would equal or exceed 9,000 square feet of space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
Director of Permit Services



for, Arnaud Marjollet
Permit Services Manager

DW: dm
Cc: File

Environmental Checklist Form

Title of Proposal: Solar Farm, Cal SPV LLC (CUP #2010-015)

Date Checklist Submitted: 11/10/10

Agency Requiring Checklist: Madera County

Agency Contact: Scott Harmstead, Planner III

Phone: (559) 675-7821

Description of Project:

Cal SP V LLC is proposing to install a 20 MW (Megawatt) solar energy facility located on 210.5 acres in western Madera County. The facility proposed consists of free standing ground mounted photovoltaic panels as high as eight feet from ground level. Areas not covered entirely with solar panels will be maintained with dry agricultural crops. The proposal abuts a major PG&E (Pacific Gas and Electric) line to the east. A substation would be installed, along with (20) inverter buildings to support the facility. Two 120 square foot storage buildings and a 120 square foot bathroom would be utilized for employees onsite, along with an eight space parking lot. The properties would be surrounded with a chain link fence for protection. An average of two employees would be onsite for maintenance and monitoring.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have significant effects on the environment. In the case of the proposed project, the Madera County Planning Department, acting as lead agency, will use the initial study to determine whether the project has a significant effect on the environment. In accordance with CEQA, Guidelines (Section 15063[a]), an environmental impact report (EIR) must be prepared if there is substantial evidence (such as results of the Initial Study) that a project may have significant effect on the environment. This is true regardless of whether the overall effect of the project would be adverse or beneficial. A negative declaration (ND) or mitigated negative declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level.

The initial study considers and evaluates all aspects of the project which are necessary to support the proposal. The complete project description includes the site plan, operational statement, and other supporting materials which are available in the project file at the office of the Madera County Planning Department.

Project Location:

The project site is located on the west side of Road 4, approximately 1/2 mile south of its intersection with Avenue 21 (20130 Road 4), west of Chowchilla.

Applicant Name and Address:

Cal SP V LLC
3730 Mt. Diablo Blvd. #120
Lafayette, CA 94549

General Plan Designation:

AE (Agricultural Exclusive)

Zoning Designation:

ARE-40 (Agricultural Rural Exclusive – 40 Acre Minimum)

Surrounding Land Uses and Setting:

The subject parcels are currently utilized for row crop agriculture. Parcels abutting the project site to the north and south are utilized for row crop agriculture. The parcel abutting the site to the east is utilized for grazing and a dairy. Alview Elementary school is located immediately northeast of the project site. The San Joaquin River east side bypass abuts the project area to the west.

Other Public Agencies whose approval is required:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

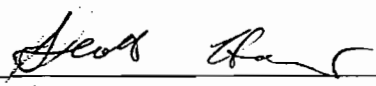
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

11/10/10
Date

I. AESTHETICS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) *Less than Significant Impact:* Road 4 abuts the project site on the east, which would allow public view of the solar panels. One (1) residential structure is situated along Road 4 and would have direct views of the solar panels. However, no scenic views were identified from the residences looking west in the direction of the project site. The maximum height of the solar panels is eight feet. The typical orchard allowed on the agricultural property would have trees exceeding eight feet in height. Motorists using Road 4, who would be focusing on driving and reaching their destinations, would see the project for a very short duration. Since there are no designated scenic highways that overlook the proposed site, no adverse effect on a scenic vista would result.
- b) *No Impact:* The proposed project would not remove any scenic resources such as buildings, trees, or rock outcroppings. In addition, according the California Scenic Highway Mapping System, there are no designated State or County Scenic Highways located in the vicinity of the project site.
- c) *Less than Significant Impact:* Solar panels will extend across all three parcels and replace the existing tomato crop. The existing visual character of the project area and vicinity is characterized by agricultural row crops and dairies. A twenty-acre dairy exists southeast of the project site, immediately across Road 4. Another dairy, roughly 250 acres in size, exists approximately ¾ mile north of the project site. The project will have no more of an industrial appearance compared with the dairies in the project vicinity. The dairies involve long metal barns and large dirt areas, whereas the solar panels will have a metallic appearance similar to the barns and will not have large dirt areas, but dry crops as identified in the project description.
- d) *Less than Significant Impact with Mitigation:* The operational statement indicates that pole mounted lights will be utilized around the site perimeter for security purposes and within the small parking lot. The installation of lighting around the entire site may constitute a significant impact, since no lighting exists on the site currently. However, the impact of the lighting may be mitigated with the use of motion detection systems that only operate the lights when movement is detected. The motion detection system must exclude auto traffic along Road 4. To reduce glare into abutting right of way and properties and to minimize general light pollution, County Code 18.102.120.J requires that all lighting be hooded and shielded from adjacent rights of way and properties. The solar panels are designed to absorb light; they do not reflect light that could result in glare. Since construction would occur during daytime hours, use of lighting during construction is not anticipated.
 - 1. The security lighting utilized around the perimeter of the project site must use motion detection systems that only operate the lights when movement is detected. The motion detection system must exclude auto traffic along Road 4.

III.

AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Protection (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project area is situated within the center of the San Joaquin Valley in an area that has been actively irrigated and farmed over the past several decades. The project site is classified as prime farmland (123 acres), unique farmland (84 acres), and "other" (3 acres) by the California Department of Conservation. The site is also enrolled within the Williamson Act program. The project vicinity is similarly designated as farmland of varying types. Grazing exists to the east of the project site. The Department of Conservation (DOC) has submitted comment on the proposed project, including impacts in regards to farmland on-site and the Williamson Act.

a) *Less than Significant Impact with Mitigation:* The project would impact the use of both prime and unique farmland. The project applicant's analysis shows that the panels will cover a total of 18%, or 37.8 acres (complete coverage) of the area. The remaining 172.2 acres not covered by panels includes areas between panels, areas utilized for access, utilities, and the substation with a collection of small onsite buildings. The project description states that the open ground would be utilized for dry crop farming and grazing for the maintenance of the crop.

Whether the panels cover 18% of the land area or 100%, the impact to the viability of the project site for farming may be significantly diminished. The solar panels will be spread throughout the entire land area of the site, thereby limiting more intensive agriculture use, such as the cultivation of tomatoes present onsite. Use of vehicles will be limited to pathways between panels, with turning movements limited to the end of

solar panel rows. Acreage intended for agricultural use underneath and beside the panels will be impacted by reduced sunlight and viability. A potentially significant impact will occur regarding the 37.8 acres (or 18%) of land area completely covered by the panels and all appurtenances. Also, the prime and unique farmland designated areas would be jeopardized over the long term, including impacts to soil quality resulting from a long term change of land use (solar panels and grazing on-site).

The project description indicates that the solar panels will be "removed at lease term end to allow an easy transition into other agricultural uses". To ensure the project does not permanently convert the prime and unique farmland existing onsite into other uses, the panel structure foundations must be conditioned for minimal impact to the fertile soil and easy removal from the site.

1. The solar panel footings must be designed for temporary use to allow for removal at the cease of project operations and easily allow the conversion of the site to permanent farming use. Conversion to a permanent facility beyond the 35 year lease will require an amendment to the Conditional Use Permit.

No conflict is expected with typical agricultural production operations in the project vicinity or grazing to be conducted onsite. The only issue that could be of concern is the depositions of dust on the panels, which could decrease their power output by obscuring the panels. If this should be an issue, it can easily be resolved by periodically washing the panels with water, a maintenance practice that is included in the project description.

Department of Conservation comments questioned the viability of "agricultural cultivation or grazing underlying an operating PV solar generation facility in the State of California". Due to this, the DOC strongly recommended mitigation measures to account for the potential loss of prime and unique farmland onsite.

- b) *Less than Significant Impact with Mitigation:* The subject parcels are zoned ARE-40 (Agricultural Rural Exclusive – 40 acre minimum), which allows for agricultural use. Solar farms are allowed with a conditional use permit, per amendments made April 28, 2010 to the Zoning Ordinance.

The project area is enrolled within the Williamson Act program. The California Department of Conservation recently issued a short paper titled "Solar Power and the Williamson Act". The paper outlines three ways in which solar farms proposed on Williamson Act lands may be handled. First, the facility may be allowed as a compatible use depending on the three principles of compatibility established in section 51238.1 of California Government Code. Second, the landowner may provide notice of nonrenewal to the County and be released from the program after the nine year waiting period. Third, the contract may be cancelled pursuant to Government Code section 51282. The applicant has submitted documentation regarding the project's potential compatibility with the Williamson Act. Notably, the documentation states the continued use of the project area for dry crop farming, the operation as temporary in nature, and use of small amounts of water as some factors that contribute to compatibility.

As discussed in part a) above, a total of 38.7 acres of Williamson Act land would be taken out of productive agricultural use due to the loss of agricultural viability. Also, the prime and unique farmland designated areas would be converted to grazing, as indicated in the project description. The entire project area would lose its designation for prime and unique farmland.

While the solar farm use may be described as temporary, the impact remains to the Williamson Act contract on the subject parcels. The Madera County Rules and Procedures for Agricultural Preserves define policies for the establishment of the Williamson Act in the County. The County Rules and Procedures state that agricultural preserves are "established in accordance with these rules and procedures (County Rules and Procedures) and the Williamson Act." The Williamson Act, including California Code Section 51238.1, provides clarity regarding compatibility uses within agricultural preserves. Section 51238.1(a)(2) specifically states: "uses that significantly displace agricultural operations may be deemed compatible if they directly relate to the production of commercial agricultural products. . . ." In the case of the subject project, agricultural operations would be displaced with a use that does not produce commercial agricultural products. The proposed project would replace the cultivation of tomatoes (the existing commercial agricultural product produced onsite) with electrical power as the primary product produced onsite, which is not an agricultural product. Dry crop or grazing use would be secondary to the primary production of solar power onsite. Government Code Section 51238.1(c) allows an exception to the impacts described above; however, the proposal must be located on nonprime farmland, not prime farmland as is the case for the project proposal.

Analysis shows that the proposed project does not meet the test of compatibility with the Williamson Act. Therefore, the following mitigation measure applies:

2. The subject parcels are within the Williamson Act program. Final project approval is dependent on completion of one of two options relating to the Williamson Act:
 - a. The property owner may file for nonrenewal of the Williamson Act contract and wait the required nine years for contract expiration. Work may not begin on the project until contract expiration.
 - b. The property owner may have an approved cancellation of the contract subject to Government Code section 51282.

In the case of cancellation, the County could potentially make findings in support of the cancellation. Findings could include the following in line with California Government Code 51282 (c):

- i. Public concerns substantially outweigh the objectives of the Williamson Act.

The need for renewable energy sources may outweigh the need for prime farmland available in Madera County. The need for compliance with State laws, including AB 32, may be included in this finding. Benefits such as cleaner air, a reduction in reliance upon fossil fuels, and reduced greenhouse gas impacts may outweigh Williamson Act benefits.

- ii. There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put. . .

An analysis of Williamson Act land within a mile of the proposed project reveals (3) parcels not enrolled in the Williamson Act program. The closest parcel is 9.47 acres in size and is an elementary school (Alview Elementary). The next closest parcels abut each other, totaling 558 acres. These parcels are located across the San Joaquin River eastside bypass, over 1,000 feet across to the west of the proposed project, representing a major barrier to the connection of electrical infrastructure. A necessary connecting line to the major transmission line along Road 4 (abutting the proposed project site) may make the proposal unfeasible.

DOC Comments on Williamson Act Impacts

The DOC noted that the proposed project must be removed from the Williamson in order to have a less than significant impact regarding the subject Williamson Act contract. As stated above, the two options available include nonrenewal or cancellation. Cancellation has typically been suggested and pursued in regards to non-prime land; however, the subject prime farmland may involve significant impacts.

- c) *No Impact.* The subject properties are zoned for agricultural use, and are not designated as forested land. Nearby properties are also zoned for agricultural use and do not include forested land.
- d) *No Impact:* No forested land is present on the project site or within the vicinity of the project.
- e) *No Impact:* All foreseeable changes to the subject and surrounding farmland are discussed in part a) above.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-c) *Less than Significant Impact:* The proposed project site is located within the San Joaquin Valley Air Basin. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is required, pursuant to the federal Clean Air Act, to reduce emissions of criteria pollutants for which the basin is on nonattainment (i.e., Particulate Matter 10 and Particulate Matter 2.5). As such, the proposed project would be subject to the SJVAPCD's rules and regulations.

The proposed project would involve construction of a 20 MW solar farm (i.e. photovoltaic power). The physical changes to the environment proposed by the project would involve minor site grading and installation of solar panel arrays. It would not result in an increase in population and have a minimal increase in the number of new employees in the area. Furthermore, the proposed project would require a minimal amount of maintenance, thereby resulting in a minimal increase in employment in the region.

Construction activities will have the most significant impact, resulting in an increase in PM 10 and PM 2.5 levels. Current requirements in place from the SJVAPCD, as enforced through Regulation VIII, will effectively mitigate potential impacts resulting from PM10 and PM 2.5 in relation to construction activities.

Regional and Localized Impacts

Because the solar farm would require very little maintenance once the system is installed, emissions generated by operation of the facility would be minimal. The project would likely have a beneficial air quality impact due to a reduction in demand for electricity generated by more polluting methods.

Cumulative Impacts

The only potential cumulatively considerable impact would result from emissions generated during site preparation/grading. As noted, current requirements in place from the SJVAPCD, as enforced through Regulation VIII, will effectively mitigate potential impacts resulting from PM10 and PM 2.5 in relation to construction activities.

d) *Less than Significant Impact with Mitigation:* As discussed in responses a-c), construction, operation, and maintenance of the proposed project would not result in any substantial localized or regional air pollution impacts and, therefore, would not expose any nearby sensitive receptors to substantial pollutant concentrations. The implementation of dry crop farmland on open ground will help to mitigate windblown dust impacts.

1. The dry agriculture crop utilized on the site's remaining open ground must be maintained to control dust.
- e) *Less than Significant Impact:* The proposed project does not include any uses identified by the SJVAPCD as being associated with odors and, therefore, would not produce objectionable odors. A potential source that may emit odors during construction activities is asphalt paving. Through mandatory compliance with SJVAPCD rules, no construction activities or materials are proposed that would create a significant level of objectionable odor.

Global Climate Change

Climate change is a shift in the "average weather" that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is "very high confidence" (by IPCC definition a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

CEQA requires an agency to engage in forecasting "to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal" (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in *Laurel Heights Improvement Association v. Regents of the University of California* [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

California Assembly Bill (AB) 1493 (Pavley) enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHG emitted by passenger vehicles and light duty trucks. Regulations adopted by CARB will apply to 2009 and later model year vehicles. CARB estimates that the regulation will reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent by 2020 and by 27 percent in 2030 (CARB 2004a).

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S3-05, the following GHG emission targets: by 2010 reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions by 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels.

IV. BIOLOGICAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *Less than Significant Impact:* The project site is currently utilized for permanent agriculture (tomatoes) and is otherwise very disturbed with no natural community present. An analysis of the Department of Fish and Game Natural Diversity Database shows that two native plant species may exist in the project area or vicinity. The regular tilling, harvesting, and herbicide spraying conducted on the project site significantly reduces the ability of the site to harbor any native plant species.

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as "fully protected" in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

A review of both the County's and Department of Fish and Game's databases for special status species have identified the following species:

California Department of Fish and Game - Natural Diversity Database

Name	Common Name	Federal Status	CA Status	DFG Status	CNPS List
Atriplex minuscula	lesser saltscale	None	None		1B.1
Atriplex subtilis	subtle orache	None	None		1B.2

CNPS: California Native Plant Society

List 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere

DFG: Department of Fish and Game

- b) *No Impact:* As stated in part a) above, the project site is currently utilized for the cultivation of tomatoes. The project vicinity is utilized for agricultural activities as well, including a dairy and grazing to the east, a fallow, recently tilled (as of November 2010) field to the north, and tomatoes to the south. The San Joaquin River east side bypass abuts the project's western boundary. No sensitive natural communities exist on the project site, given the extent of active agriculture use currently existing.
- c) *No Impact:* No wetlands or areas of water are located on the project site. The project site is flat and is utilized for the cultivation of tomatoes.
- d) *Less than Significant Impact:* The lack of natural communities on the project site and in the vicinity greatly diminishes the potential existence of any wildlife corridor onsite. The height of the proposed panels (up to eight feet) will not interfere with potential flyways of migratory fowl.
- e) *No Impact:* No local policies or ordinances exist that require the protection of biological resources as identified in the project area. Therefore, *no impact* will result from the project.
- f) *No Impact:* No local, regional, or state conservation plan exists that governs the protection of biological resources in the project area. Therefore, *no impact* will result from the project.

General Information

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the Department of Fish and Game. The same Senate Bill also increases the associated fees for the Fish and Game; the current fees associated with a Mitigated Negative Declaration are \$2010.25, and the County Clerk filing fee is \$50.

In short, the applicant must either contact the California Department of Fish and Game and get them to issue a de minimis finding and fee exemption waiver, submit that with the County \$50 filing fee, OR submit a total of \$2,060.25 (on top of associated County Fees) to the County. New fees may be effective January 1, 2011.

V. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Public Resource Code 5021.1(b) defines a historic resource as “any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.” These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that “disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study.”

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- Involves important research questions that historic research has shown can be answered only with archaeological methods.

Reference CEQA Guidelines §15064.5 for definitions.

- a) *No Impact:* The proposed project would not require the removal or modification of any existing structures. The site is an open field and not considered historic.
- b) *Less than Significant Impact with Mitigation:* Given the agricultural activity that has occurred onsite, including regular tilling and planting, the potential for discovery of cultural resources during the grading and construction of the proposed project is low. Grading performed onsite will be minimal and is not expected to generate more impact than typical disturbance for agricultural purposes. If cultural materials, whether historic or prehistoric, are encountered during construction, a qualified archaeologist would examine the materials and determine appropriate treatment, if any.
 1. The applicant/permittee shall agree to suspend construction in the vicinity of a cultural resource encountered during development of a site, and leave the resource in place until a qualified archaeologist can examine and determine appropriate mitigation actions.

- c) *Less than Significant Impact:* While no paleontological resources have been identified in the project area, the possibility remains that digging or trenching may expose a resource. In the case a resource is discovered, existing County policy requires the notification of the Planning Department within 24 hours, after a resource has been discovered. Thereafter the appropriate studies or observance will be required.

- d) *Less than Significant Impact:* As noted in part b), as with the potential for cultural resources, the potential for discovery of human remains during the grading and construction of the proposed project is low. If human remains are discovered during construction, the coroner and designated Native American representatives would be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and State CEQA Guidelines.

VI. GEOLOGY AND SOILS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Madera County is divided into two major physiographic and geologic provinces: the Sierra Nevada Range and the Central Valley. The Sierra Nevada physiographic province in the northeastern portion of the county is underlain by metamorphic and igneous rock. It consists mainly of homogenous types of granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley province, underlain by marine and non-marine sedimentary rocks.

The foothill area of the county is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams which carry runoff from the Sierra Nevada's.

Seismicity varies greatly between the two major geologic provinces represented in Madera County. The Central valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada's, partly within Madera County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Ranges on the west side of the Central Valley are also a result of these forces, and continued movement of the Pacific and North American tectonic plates continues to elevate the ranges. Most of the seismic hazards in Madera County result from movement along faults associated with the creation of these ranges.

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep.

However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

San Andreas Fault: The San Andreas Fault lies approximately 45 miles west of the county line. The fault has a long history of activity and is thus a concern in determining activity in the area.

Owens Valley Fault Group: The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the County.

The *Draft Environmental Impact Report* for the state prison project near Fairmead identified faults within a 100 mile radius of the project site. Since Fairmead is centrally located along Highway 99 within the county, this information provides a good indicator of the potential seismic activity which might be felt within the County. Fifteen active faults (including the San Andreas and Owens Valley Fault Group) were identified in the *Preliminary Geotechnical Investigation*. Four of the faults lie along the eastern portion of the Sierra Nevada Range, approximately 75 miles to the northeast of Fairmead. These are the Parker Lake, Hartley Springs, Hilton Creek and Mono Valley Faults. The Remaining faults are in the western portion of the San Joaquin Valley, as well as within the Coast Range, approximately 47 miles west of Fairmead. Most of the remaining 11 faults are associated with the San Andreas, Calaveras, Hayward and Rinconada Fault Systems which collectively form the tectonic plate boundary of the Central Valley.

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

Seismic ground shaking, however, is the primary seismic hazard in Madera County because of the County's seismic setting and its record of historical activity (General Plan Background Element and Program EIR). The project represents no specific threat or hazard from seismic ground shaking, and all new construction will comply with current local and state building codes. Other geologic hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

According to the Madera County General Plan Background Report, groundshaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas.

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction. The dominate soil type in the project area is Ahwahnee and Auberry coarse sandy loams (NRCS, Natural Resources Conservation Service). The available water capacity is very low.

- a) I) *No Impact:* No earthquake faults are known to exist in the project area or vicinity. The Alquist-Priolo Earthquake Fault Zoning Map does not identify any faults nearby that may pose a threat to the project area.
- II) *No Impact:* No active faults are located in Madera County. However, active faults in the greater region (Sierra Nevada and Coast Ranges) have the potential to create ground shaking in the project area. All development proposed will be required to meet State building code, which will ensure protection from strong seismic ground shaking. The proposed solar farm includes the construction of structures for solar power generation, but does not involve any substantive structures for human habitation.

III) *Less than Significant Impact:* The conditions in parts of the project area may be conducive to liquefaction. The water table along the San Joaquin river eastside bypass may be elevated, especially during a heavy precipitation year. An elevated water table may increase the risk of liquefaction. The elevated risk of liquefaction from seismic ground shaking can be alleviated by Building Code requirements. The proposed solar farm includes the construction of structures for solar power generation, but does not involve any substantive structures for human habitation.

IV) *No Impact:* The site for the proposed solar farm is flat and does not have the potential for landslides.

- b) *Less than Significant Impact:* All grading to be performed for preparation and construction of the proposed facility is to comply with Grading Permit requirements as administered by the County Department of Engineering (County Code). All plans are required to be completed and approved by a registered civil engineer or landscape architect.
- c) *No Impact:* See a) I-IV) above. Construction activities for the proposed solar farm would not require a substantial amount of earth to be moved or any deep excavations; therefore, unstable soils resulting in on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse are not anticipated.
- d) *Less than Significant Impact:* The majority of the project area is located on Pachappa fine sandy loams and Fresno and El Peco fine sandy loams, which exhibit a moderate shrink-swell capacity. Existing CBC (California Building Code) code regulations as adopted by the State and enforced throughout the County account for impacts to the site's ability to support structures in regards to present soil conditions.
- e) *Less than Significant Impact:* The project is proposed to utilize one septic system to service one bathroom onsite for maintenance employees. Soils onsite exhibit slow percolation for effective leaching. However, compliance with County Environmental Health requirements will ensure the septic absorption area meets all existing regulations.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *Less than Significant Impact.* Greenhouse gas emissions resulting from the proposal will result from construction activities involving the use of equipment for grading activities. However, impacts will be minor due to minor grading activities necessary in addition to the short duration of grading activities. Operation of the solar farm will help to reduce overall dependence on other sources of power generation that produce greenhouse gases.
- b) *No Impact.* At this time, no applicable plans, policies, or regulations are known to exist in force to reduce emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The operational statement does not indicate that any hazardous chemicals will be stored or produced onsite as a result of the proposal. New development is not expected to create any significant hazards.

- a) *No Impact:* Operation of the proposed solar power generation facility would not result in any increase in the routine use, storage, or transportation of hazardous materials. Some hazardous materials typically used during construction activities, such as gasoline for construction equipment, would only be used during construction of the proposed project. The proposal will be in compliance with existing state and federal rules regarding proper gasoline storage.
- b) *No Impact:* See response for part a). No hazardous materials would be required during operation of the proposed project.
- c) *Less than Significant Impact:* Alview Elementary School is located immediately to the northeast of the proposed project at 20511 Road 4. The elementary school is currently surrounded by a dairy to the south and actively farmed parcels to the east, west, and north. The operation of the proposed project will not produce any hazardous substances or release any hazardous materials into the surrounding environment. Noise levels will be minimal due to the reduced agricultural production occurring onsite during operation. In addition, existing chemical application (herbicides, pesticides, etc.) will be

significantly reduced on the site as a result of the proposal. Therefore, existing impacts to the school as a result of operation of the solar farm will be reduced from existing impacts resulting from adjacent agricultural uses.

- d) *No Impact:* The proposed solar farm would not provide for additional handling or storage of hazardous materials. No hazardous materials would be used during operation of the proposed solar farm.
- e) *No Impact:* The project is not located near any private or public airports. According to the Airport Land Use Plan, the project area is not impacted by an airport flight path. Therefore, the project will have no impact upon the County Airport Land Use Plan.
- f) *No Impact:* No private airstrips are located within the project vicinity. Therefore, no conflict will occur with any private airstrip.
- g) *No Impact:* Construction and operation of the proposed solar farm would not impair implementation of, or physically interfere with, and adopted emergency response plan or emergency evacuation plan. Road 4 abutting the site would be maintained in its existing condition.
- h) *No Impact:* The proposed solar farm is located in an active agricultural area that does not pose any threat of wildfire. The proposed solar panels will be constructed of steel and similar metallic materials and are not flammable.

IX. HYDROLOGY AND WATER QUALITY – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

No seasonal or permanent drainage exist on-site. The project site is located within flood zone A, a 100 year flood area where no base flood elevations have been determined.

- a) *Less than Significant Impact:* Operation of the proposed solar farm would not generate any wastewater. Operation involves minimal maintenance, and waste discharges would not occur. The use of open areas for dry crop agriculture would reduce the potential for wind or water erosion of on-site soils. However, activities associated with the construction of the proposed solar farm, associated access road improvements, and the small parking lot have the potential to result in runoff that could carry erosion materials off-site.

Compliance through the County Department of Engineering Grading Permit process will ensure potential runoff, sedimentation, and erosion problems are controlled on-site. County Code requires the submission of a detailed grading, drainage, and erosion control plan.

- b) *Less than Significant:* The development will utilize an existing agricultural well for on-site water supply.

Water supply will be utilized for the bathroom on-site, and the periodical washing of the panels. The small restroom is estimated to utilize an average of 20 gallons per day. Two to three times a month a water truck will be utilized to wash the solar panels—this use is estimated at 20,000 gallons per month. Total water use per day is estimated at 690 gallons, roughly equivalent to the same water use as 2 ¾ typical single family homes. The identified level of groundwater use is therefore significantly lower than the existing agricultural use on-site (tomatoes have been estimated to need an average of 186 gallons of water per acre, every day –University of California, Davis- Department of Land, Air, and Water Resources).

- c) *No Impact:* No drainages exist on the project site. The area is flat and has been utilized for agricultural purposes including the use of flood irrigation. Any erosion or siltation on or off-site would be controlled through the use of dry crop agriculture onsite and compliance with the County Department of Engineering and County Code requirements.
- d) *No Impact:* See c) above.
- e) *Less than Significant Impact:* The proposed solar farm would be constructed on a site that is generally flat, a site currently irrigated via flood irrigation. The proposal would not involve changes to the existing topography of the site and, therefore, would not substantially alter existing drainage patterns on-site. Additionally, the proposal would utilize dry crop agriculture in areas not completely covered with solar panels. The dry crop will allow potential runoff to percolate.
- f) *Less than Significant Impact:* See a) above.
- g) *No Impact:* No housing is proposed as part of the solar farm.
- h) *Less than Significant Impact:* The proposed solar farm is within the 100 year flood zone, within an undefined base flood elevation. The applicant must identify the base flood elevation to satisfy Federal Emergency Management Agency (FEMA) requirements. The solar farm itself (solar panel area) would be unmanned and must be built so that the panels are above the identified flood depth. The bathroom, substation, and all appurtenant structures related to the facility (e.g. inverters, electrical boxes, monitoring devices, etc.) must be constructed above the 100 year flood elevation, per FEMA requirements. Compliance with FEMA requirements will ensure that only the columns of the solar panels would be subject to flooding.
- i) *No Impact:* If the Buchanan Dam were to breach, the solar farm would be flooded. However, no structures are proposed as part of this project that would be utilized for human habitation; therefore, the proposed project would not expose people to risk of death due to flooding. Additionally, as discussed above, the solar panels and all appurtenant structures would be constructed above the 100 year flood depth.
- j) *No Impact:* The proposed solar farm is not located within a coastal zone that would be subject to tsunami, nor is it located near a hillside that would be subject to mudflows. No natural creeks or drainages are located nearby that may contribute to inundation by seiche.

X. LAND USE AND PLANNING – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *Less than Significant Impact:* The proposed project will not physically divide or otherwise alter the character of the surrounding community. In operation, the solar farm will allow for dry crop farming, which is consistent with farming practices in the surrounding community. No significant increases in traffic or population will result from operation, wherein the intensity of use (population and traffic) will constitute an insignificant change.
- b) *Less than Significant Impact:* The proposal project site is designated as Agricultural Exclusive (AE) in the Madera County General Plan and zoned Agricultural Rural Exclusive – 40 acre minimum (ARE-40). The AE General Plan designation allows for quasi-public, and uses compatible with general agriculture. As a major power generation facility regulated by the Public Utilities Commission, the use can be deemed as quasi-public. Furthermore, the use is also compatible with surrounding agricultural uses through the allowance of dry crop farming during operation. Policy 3.J.1 of the General Plan states:

The County shall facilitate the provision of adequate gas and electric, communications, and telecommunications service and facilities to serve existing and future needs while minimizing noise, electromagnetic, and visual impacts on existing and future residents.

The proposed solar farm will serve the existing and future needs of the community and region through the production of clean, renewable energy. Impacts resulting from the photovoltaic system proposed are minimal—no significant noise impacts, no electromagnetic impacts, and minimal glare will result from the project. The ARE-40 zone allows for solar farms with discretionary approval via a Conditional Use Permit.

- c) *No Impact:* No habitat or natural community conservation plans exist for the project area. Therefore, *no impact* will result.

XI. MINERAL RESOURCES – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The County General Plan does not identify mineral resources within the project area.

- a) *No Impact:* No mineral resources of value to the local area or state are known to exist in the project area. Therefore, no impact will occur as a result of the project.
- b) *No Impact:* No locally-important mineral resource recovery sites have been identified by any land use plans that include the project area.

XII. NOISE – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

General Discussion

The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

Short Term Noise

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However, construction is only to occur during day time hours so as to not impact adjacent uses.

Long Term Noise

There would be no long-term operational noise impacts from the proposed project. Excessive groundborne vibration or noise levels are not anticipated during either construction or operations.

- a) *Less than Significant Impact:* The project will generate a relatively small amount of trucks during construction. Minor site grading will occur site, as the proposed project site is already flat and utilized for tomato cultivation. While grading activity and truck trips may result in elevated noise levels periodically, such occurrences would be relatively brief and infrequent and would not result in sustained increases in local traffic noise or activity onsite. Alview Elementary school, located across from the northeast corner of the project site, will experience less than significant impacts as the school does not directly abut the project site. There would be no long-term operational noise impacts from the proposed project. The proposed project would generate power using passive, non-mechanical solar arrays. Thus, there would be little, if any, noise produced. Periodic maintenance would consist primarily of cleaning panels, as needed—resultant noise levels would be low and below a level of significance.
- b) *Less than Significant Impact:* Excessive groundborne vibration and groundborne noise levels will only result from minor site grading and construction of the project. The proposed project will not allow for excessive groundborne noise levels in addition to construction noise.
- c) *No Impact:* Operation of the solar farm would not produce noise. The solar farm would not require staff to be present at all times. Any traffic generated on the access road for the solar farm would be there for routine maintenance activities, which would occur on as-needed basis.
- d) *Less than Significant Impact:* As discussed in part a) above, the proposed project could potentially generate high noise levels during short term construction activities as a result of heavy machinery and equipment use. However, construction noise impact associated with the proposed project would be temporary and intermittent in nature.
- e) *No Impact:* The project area is not located within an Airport Land Use Plan. Therefore, no impact will result from airport noise impacts.
- f) *No Impact:* No private airstrips are located within the project vicinity. Therefore, no impact will result.

XIII. POPULATION AND HOUSING -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *No Impact:* Due to the limited duration of construction and small number of construction workers, construction of the proposed project elements (installation of solar panels and substation) does not have the potential to induce population growth either directly or indirectly. Operation of the proposed solar farm would not require permanent, full time employees onsite.
- b) *No Impact:* The proposed site is currently used as for the cultivation of tomatoes. No housing is proposed by this project, nor would any be displaced as a result of the project.
- c) *No Impact:* see part b) above.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The proposed project site is located within the unincorporated County and will be served by the County Fire Department and County Sheriff Department. The project area is located within the Bass Lake Joint Union Elementary School District and Yosemite Union High School District.

- i. *No Impact:* In the event of fire or hazardous material release, the fire station closest to the solar farm (Dairyland Fire Station, 13802 Ave. 21, Chowchilla CA 93610) would initially respond. The construction and operation of the proposed project would not include any characteristics or create fire hazards that would increase the need for fire protection.
- ii. *No Impact:* The construction and operation of the proposed project would not increase the need for police services. The project is planned to be a secure facility, with a 6-foot-high chain link fence surrounding the facility and light poles equipped with security cameras.
- iii. *No Impact:* The proposed solar farm does not include a housing component and it would not increase permanent employment, only part time employment as a result of periodical maintenance. Therefore, it would not directly or indirectly increase student enrollment levels.
- iv. *No Impact:* The proposed solar farm does include a housing component and it would not increase permanent employment. Therefore, additional demands on existing public parks would not occur as a result of construction or operation of the proposed solar farm.
- v. *No Impact:* Construction and operation of the proposed solar farm would not result in any impacts to public facilities.

XV. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *No Impact:* The proposed project would not include housing or increase permanent employment opportunities within the community (only part time employment is needed for periodical maintenance); therefore, the proposed project would not increase the use of existing neighborhood or regional parks or other recreational facilities.
- b) *No Impact:* The proposed solar farm would not affect existing recreational resources or create the need for new or expanded facilities.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards, established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *No Impact:* During the construction phase, the proposed project would add truck trips to local roads; however, this would be a temporary traffic impact and would not substantially affect traffic load or capacity of the road system in the proposed project vicinity. No long-term impact on the capacity of the road system would occur since the minor increase in construction traffic on the surrounding road system would be temporary. Operation of the solar farm would add a few daily vehicular trips on the surrounding road system from the occasional maintenance of the facility.
- b) *No Impact:* See a) above.
- c) *No Impact:* No excessive heights are proposed through the project that may affect air traffic patterns.
- d) *No Impact:* The proposed project would not require changes to local public roads or introduce incompatible uses on local streets. A new drive approach is required to be constructed per County Code, through the Road Department. The design and construction of the approach is not expected to result in any hazardous features.
- e) *No Impact:* See response to part VIIg.
- f) *No Impact:* Adequate parking per County Code will be provided on-site for temporary maintenance workers servicing the solar panels and substation.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

According to the Madera County General Plan Background report, all solid waste generated in the unincorporated area is currently disposed of at the Fairmead Landfill, which is owned by the County and operated by Madera Disposal Systems, Inc. The facility is located on 48 acres at the southeast corner of Road 19 and Avenue 22. The landfill is expected to reach capacity in 2020. If additional waste can be diverted, the life of the expansion area could be increased.

- a) *No Impact:* Minimal amounts of wastewater would be generated by construction workers on the site during the construction period. The wastewater would percolate into the ground. The proposed project would generate minimal amounts of wash water during operation. Wash water would percolate into the ground. The bathroom proposed onsite will be served by a septic system designed and installed to meet all local and state requirements.
- b) *No Impact:* see a) above.
- c) *Less than Significant Impact:* Operation of the proposed facility would not result in substantial amounts of runoff that would require construction of new, or expansion of existing, stormwater drainage facilities. The increase in impermeable surface, including the paved parking lot, would not be substantial. The runoff from the washing of the solar panels 2-3 times per month would percolate into the dry crop below. Otherwise, compliance with all Department of Engineering requirements for the containment of runoff will ensure a less than significant impact.
- d) *No Impact:* The project will utilize an existing agricultural well on-site. No entitlements or new sources will be necessary for water supply. A discussion on water use is contained in part IXb.

- e) *No Impact:* Construction and operation of the proposed solar farm would not increase the demand for wastewater treatment facilities in the area.
- f) *No Impact:* Operation of the proposed solar farm would not generate any solid waste. If any waste were generated during construction, disposal of construction materials would be in accordance with federal, state, and local regulations. Disposal would occur at the Fairmead landfill. In addition, solar panels are prefabricated; therefore, there would be minimum waste associated with their installation.
- g) *No Impact:* All solid waste generated during construction and operation of the proposed project must comply with existing local, State, and federal statutes regarding the disposal of solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1)).
 - Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems (CEQA §15358(a)(2)).
 - Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.
- a) *Less than Significant Impact.* The project does not have the potential to degrade fish and wildlife, or their habitat, or to eliminate major periods of California history or prehistory. All potentially significant impacts have been identified and shown to have a less than significant impact.
 - b) *Less than Significant Impact.* The project will not generate significant environmental impacts. The incremental effect of the current project, when viewed in light of both existing development and reasonably foreseeable future projects does not yield impacts which are cumulatively considerable. Cumulatively, the impacts of the proposed solar farm are less significant than ordinary agricultural practices existing in the area. Impacts of less significance compared to agriculture may include, but are not limited to, air quality, water use, and noise.
 - c) *Less than Significant Impact.* The initial study has reviewed all impacts that have the potential to have adverse effects on human beings. No potentially significant impacts have been identified.

**Documents/Organizations/Individuals Consulted
In Preparation of this
Initial Study**

Madera County General Plan, 1995

Oakhurst Area Plan, 2005

California Department of Finance

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Madera County Environmental Health

Madera County Roads Department

Caltrans website http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

California Department of Fish and Game "California Natural Diversity Database" <http://www.dfg.ca.gov/biogeodata/cnddb/>

California Land Conservation Act, Chapter 7

California Department of Conservation, Solar Power and the Williamson Act

California Department of Conservation, Early Consultation Review for Cal SP V, LLC – 20 MW Solar Energy Facility

MITIGATED NEGATIVE DECLARATION

MND 2010-020

RE: CUP #2010-015, Cal SP V LLC

LOCATION AND DESCRIPTION OF PROJECT:

Cal SP V LLC is proposing to install a 20 MW (Megawatt) solar energy facility located on 210.5 acres in western Madera County. The facility proposed consists of free standing ground mounted photovoltaic panels as high as eight feet from ground level. Areas not covered entirely with solar panels will be maintained with dry agricultural crops. The proposal abuts a major PG&E (Pacific Gas and Electric) line to the east. A substation would be installed, along with (20) inverter buildings to support the facility. Two 120 square foot storage buildings and a 120 square foot bathroom would be utilized for employees onsite, along with an eight space parking lot. The properties would be surrounded with a chain link fence for protection. An average of two employees would be onsite for maintenance and monitoring.

The project site is located on the west side of Road 4, approximately 1/2 mile south of its intersection with Avenue 21 (20130 Road 4), west of Chowchilla.

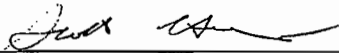
ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

BASIS FOR NEGATIVE DECLARATION:

1. Any proposed lighting shall be hooded and directed away from surrounding properties and roadways (County Code 18.102.120.J). Any security lighting utilized around the perimeter of the project site must use motion detection systems that only operate the lights when movement is detected. The motion detection system must exclude auto traffic along Road 4.
2. The solar panel footings must be designed for temporary use to allow for removal at the cease of project operations and easily allow the conversion of the site to permanent farming use. Conversion to a permanent facility beyond the 35 year lease will require an amendment to the Conditional Use Permit.
3. The dry agriculture crop utilized on the site's remaining open ground must be maintained to control dust.
4. The applicant/permittee shall agree to suspend construction in the vicinity of a cultural resource encountered during development of a site, and leave the resource in place until a qualified archaeologist can examine and determine appropriate mitigation actions.

5. The subject parcels are within the Williamson Act program. Final project approval is dependent on completion of one of two options relating to the Williamson Act:
 - a. The property owner may file for nonrenewal of the Williamson Act contract and wait the required nine years for contract expiration. Work may not begin on the project until contract expiration.
 - b. The property owner may have an approved cancellation of the contract subject to Government Code section 51282.



Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 2037 West Cleveland Avenue, Madera, California.

DATED: November 10, 2010

FILED:

PROJECT APPROVED:



Scott Harmstead
Madera County Planning
2037 W. Cleveland Ave
Madera, CA 93637

December 9, 2010

Robert Worthington
Solarpack Development
3730 Mt Diablo Blvd, Suite 120
Lafayette, CA 94549

Re: CAL SP V, Pre Planning Commission Neighborhood Meeting

Dear Scott,

Yesterday, CAL SP V presented the 20MW Solar Photo Voltaic Electric Generation project, proposed on Road 4, to the community in the vicinity of the project at 5:30 PM at Farnesi's Restaurant in Chowchilla. The agenda included presentation of the proposed site plan and detail submitted to Madera County, a description of operations and a Question and Answer period.

CAL SP V posted the attached flyer at the Alview School, 20513 Road 4, Chowchilla 93610 and mailed it to the following list of neighbors surrounding the proposed project, the week prior to the meeting.

Vlot Brothers
P O Box 309
Chowchilla, Ca 93610

Alview Dairyland School District
12861 Avenue 18 1/2
Chowchilla, Ca 93610

Lloyd Roduner
7271 Ave 19
Chowchilla, Ca 93610

Please also see the attached attendance sheet and photo of the presentation.
Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Worthington", with a horizontal line extending to the right.

Robert Worthington,
Director of Development



Solarpack Development Incorporated
3730 Mt. Diablo Boulevard
Suite 120 • Lafayette, CA 94549
Tel: +1 925 283 7600 Fax: +1 925 283 7606

SOLARPACK DEVELOPMENT
Presents a Proposed
20MW Solar Photo Voltaic Electric Generation Facility



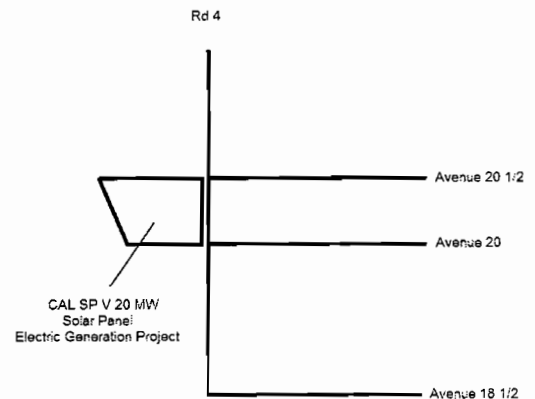
All those with interest are invited to a Solarpack Development presentation of the proposed CAL SP V Solar Photo Voltaic Electric Generation project and Q and A period regarding the design, construction and operation of the facility.

Please RSVP to rworthington@solarpack-dev.com to insure adequate space.

Meeting Information:

Time: **December 8th at 5:30 PM**
Location: **Farnesi's Steakhouse**
230 E Robertson Blvd Chowchilla, CA

CAL SP V Location Map Madera Co



CAL SP V SOLAR PROJECT
PRESENTATION

12-08-2010

ATTENDEE'S NAMES

Bob Worthington (Solar Pack)

Diane Haynes

Clay Haynes

Sam Haynes

Pauline Haynes

Heather Phillips (Solar Pack)

Tommy Parade (Solar Pack)

CAL SP V SOLAR PROJECT
PRESENTATION

12-08-2010

ATTENDEE'S NAMES

Bob Worthington (Solar Pack)

Diane Haynes

Clay Haynes

Dan Haynes

Paulette Haynes

Heather Phillips (Solar Pack)

Thomas Forstade (Solar Pack)

