



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

April 26, 2010

MEMO TO: Ag Advisory Committee

FROM: Department of Planning and Community Development

SUBJECT: USE PERMIT NO. 2010-03, FINK ROAD SOLAR FARM- ALTERNATIVE AGRICULTURAL BUFFER AND SETBACKS

The Stanislaus County Department of Planning and Community Development has received an application to establish a photovoltaic (PV) solar energy farm creating an aggregate peak power capacity of 80-100 megawatts (MW) of electricity on 800± acres of a 1,687± acre site, located at 4401 and 4881 Fink Road, west of Interstate 5 in the Newman area. The construction will be in multiple phases with each phase being 20 MW consisting of approximately 1,400 trackers with 84,000 PV panels arranged in sub-arrays set on steel posts and aligned in rows utilizing single and dual axis trackers and all required devices. Additional site improvements include: all weather fire access roads; maintenance buildings; security fencing; construction staging area; and a transmission interconnect to an existing transmission line to PG&E's Solano substation. The applicant has proposed an alternative to the Agricultural Buffer and Setback Guidelines. The applicant's proposal and the County's Buffer and Setback Guidelines are outlined below:

Stanislaus County Buffer & Setback Guidelines Requirements for New Non-Agricultural Uses:

- A minimum 150-foot wide buffer, measured from the property line of any adjoining property located in the A-2 zoning district, shall be incorporated. All buffers shall include solid fencing and vegetative screening consistent with the guidelines. In general, vegetative screen shall consist of two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown.
- Fencing: The Agricultural Advisory Board in September of 2008 supported a general alternative clarifying the intent of the fencing requirement is to prevent trespassing. As part of the general alternative, fencing is not required to be made up of a solid material, but is required to be at least 6-feet in height. Fencing may be installed around the perimeter of the non-agricultural use, rather than the perimeter of the property lines containing the use.

Applicant's Proposal

The applicant is proposing an alternative buffer consisting of 40-feet from property lines to edge of tracker on 25% of the boundary areas. The remaining 75% will exceed the 150-foot buffer setback requirement. No vegetative screening is being proposed. Fencing will consist of the existing post and wire fencing which may be modified around the phased development to 6-foot

cyclone fencing for security purposes.

- The applicant feel's the use as proposed is consistent with the current agriculture designation of the project and the current adjacent agricultural land uses.
- The low impact and minimal employees of the Solar Farm suggests that an agricultural buffer is not warranted.
- The majority of the adjacent land uses consist of non-spraying agriculture farm operations utilizing dry farming methods.
- The overall project design currently on file, reflects 75% of the boundary exceeding a 150' minimum agricultural buffer already and interior property line buffers should not be considered as a part of the agricultural buffer determination.
- The minimum setback that the applicant is proposing is 40' from property lines to edge of tracker but only in the 25% boundary areas of the overall project design. The remaining 75% will exceed a 150' buffer.

Staff's Comments

The project site is currently fenced with post and wire fencing and is utilized for seasonal crops and orchards. The proposed project may be fenced (by phase) with 6-foot cyclone fencing as a security precaution. The majority of the proposed phases meet the required agricultural buffer setbacks along exterior property lines. Interior lot line setbacks have not been addressed due to the nature of the proposed development and the project sites single common ownership. The sites remote location and large scale, serve to minimize conflicts resulting form normal agricultural practices as a consequence of the proposed new development. Beyond the construction phase, the potential for impacts associated with on-site employees and related activities will be minimal.

On November 2, 2009 the Stanislaus County Agricultural Advisory Board considered and motioned to support the following Agricultural Buffer Alternatives as providing equal or greater protection than the Buffer and Setback Guidelines adopted in December of 2007 as Appendix ‘A’ of the Stanislaus County General Plan - Agricultural Element.

AGRICULTURAL BUFFER ALTERNATIVES

The December 2007 update to the Agricultural Element of the Stanislaus County General Plan established a buffer requirement for all new or expanding non-agricultural uses within or adjoining the A-2 zoning district. Appendix A of the Agricultural Element lays out guidelines for these buffers, which includes the following:

- ✓ A 150 ft buffer (300 feet for people intensive outdoor activities) from all property lines.
- ✓ A 6 ft high solid fence along the perimeter where a project adjoins agricultural property and 2 rows of vegetative screening (including evergreen trees and shrubs).
- ✓ Expansion of existing uses must provide fencing and vegetative screening in the area available and a 150-foot minimum building setback is required.

Any alternative to the currently adopted buffer standards must be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to Planning Commission consideration. ***These alternative standards shall be determined to provide equal or greater protection.***

*Planning staff would like the Agricultural Advisory Board to review and give its support to the following buffer alternative applicable to **all expanding non-agricultural uses** within the A-2 General Agriculture zoning district:*

- ✓ Allow the expansion of an existing non-agricultural use without a 150-foot setback or vegetative screening provided the expansion does not intensify the on-site activity.
- ✓ Allow riparian areas adjacent to rivers to serve as setbacks and vegetative screening.
- ✓ Allow permitted non-agricultural uses (including but not limited to legal non-conforming uses and homesites) adjoining the subject property to serve as part of the required setback area, provided the adjoining use is of a permanent nature which is not likely to be returned to agriculture. The overall distance from the requested use and the nearest agricultural operation (as defined by the Stanislaus County General Plan Agricultural Element) must be equal to or greater than the required setback distance. Vegetative screening shall not be required provided the minimum setback to the nearest agricultural operation is provided.

Additional alternative standards may be presented to the Agricultural Advisory Board for review and for a recommendation of approval to the Planning Commission. Ultimate approval will be based upon a determination of equal or greater protection.

Rachel Wyse - Fink Road Ag Buffer

From: "Scott Belyea" <scott@jkbenergy.com>
To: "Angela Freitas" <Angela@stancounty.com>, "Rachel Wyse" <wyser@stancounty.com>
Date: 4/16/10 7:57 AM
Subject: Fink Road Ag Buffer

Angela,

This email is in regards to our no buffer alternative proposal of not incorporating an AG buffer on the Fink Road Solar Farm.

We feel this is justified because of the following reasons:

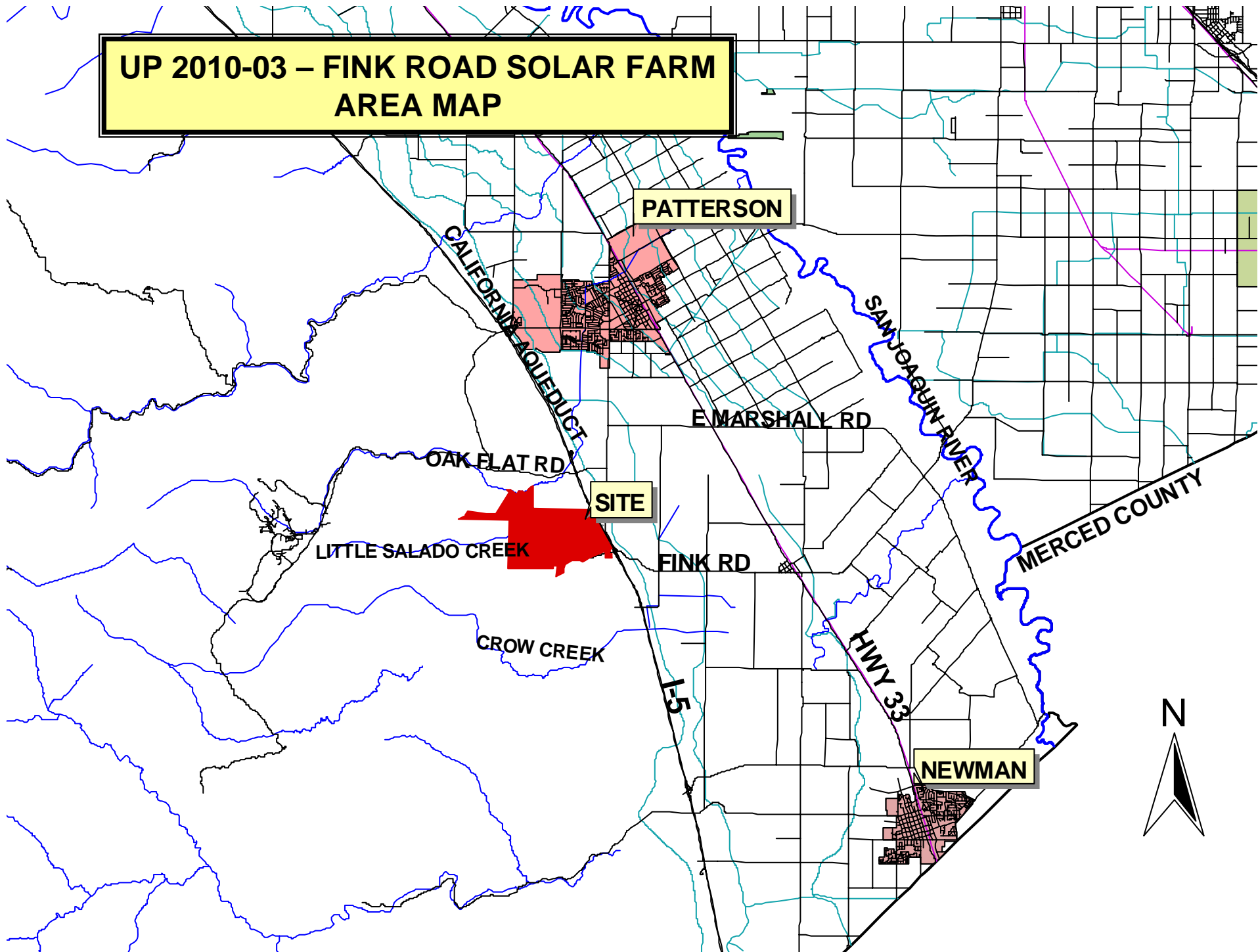
1. The use we are proposing is consistent with the current AG designation of the project and the current adjacent AG land uses.
2. The low impact and minimal employees of the Solar Farm suggests that an AG buffer is not warranted.
3. The majority of the adjacent land use consist of non spraying agriculture farm operations and utilize dry farming methods.
4. The overall project design currently on file, reflects 75% of the boundary exceeding a 150' minimum ag buffer already and interior property line buffers should not be considered as a part of the af buffer determination.
5. The minimum set back that we are proposing is 40' from property lines to edge of tracker but only in the 25% boundary areas of the overall project design. The remianing 75% will exceed a 150' buffer.

Thank you for your assitance with this clarification.

Regards,

Scott Belyea
Director of Operations
JKB Energy
(209) 668-5303
(209) 668-5304 Fax
(209) 652-8122 Cell
Scott@JKBEnergy.com

**UP 2010-03 – FINK ROAD SOLAR FARM
AREA MAP**



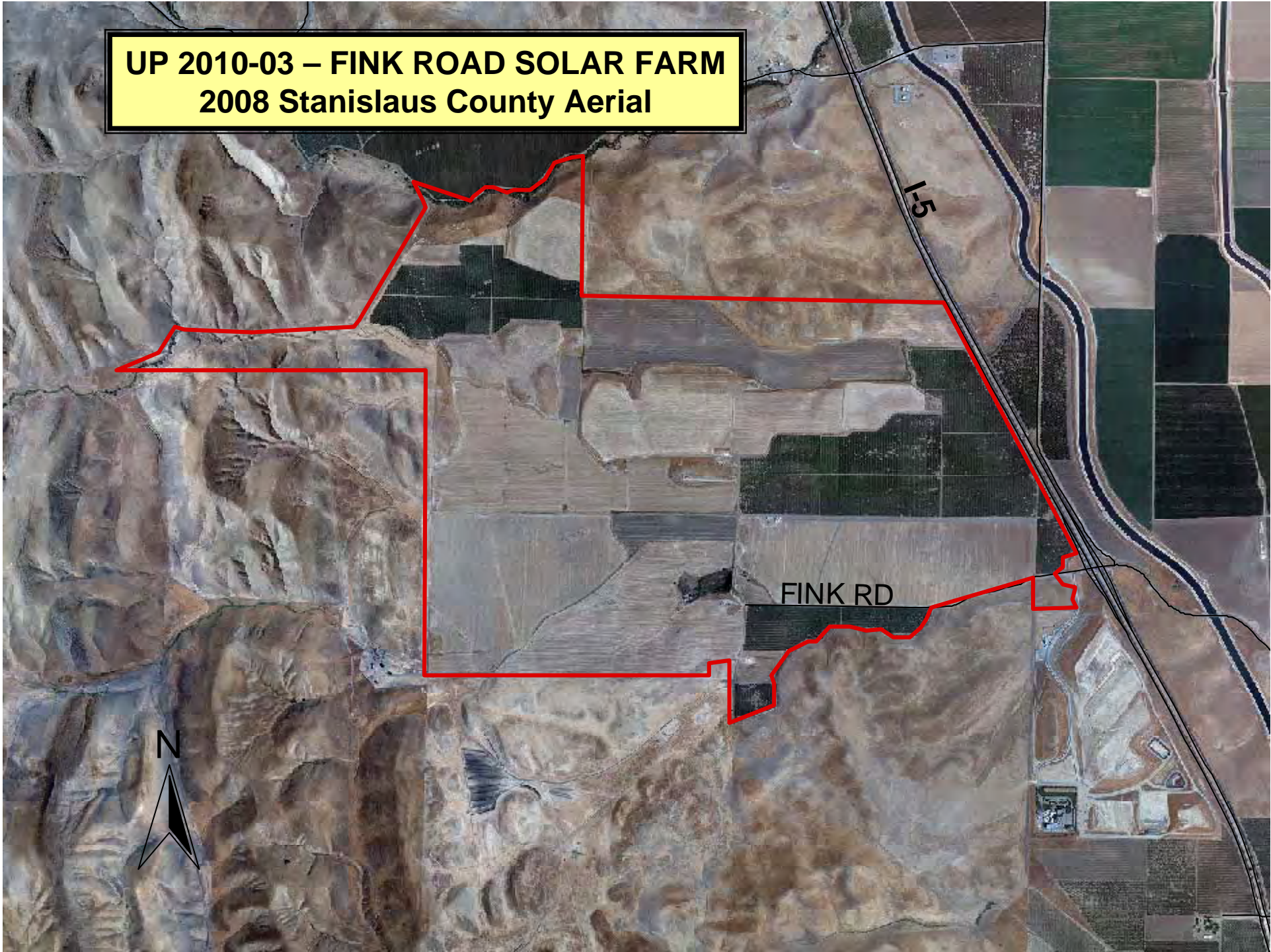
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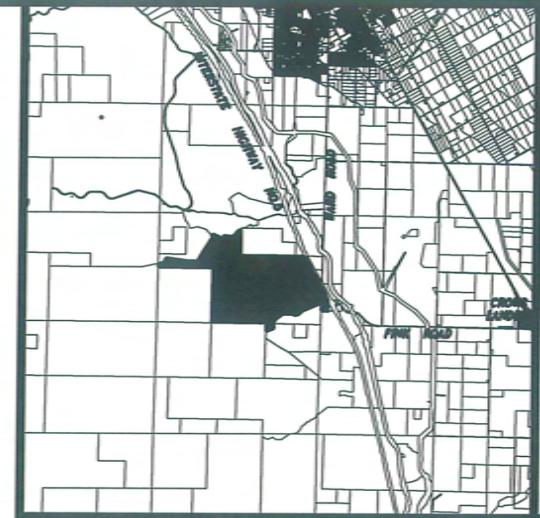
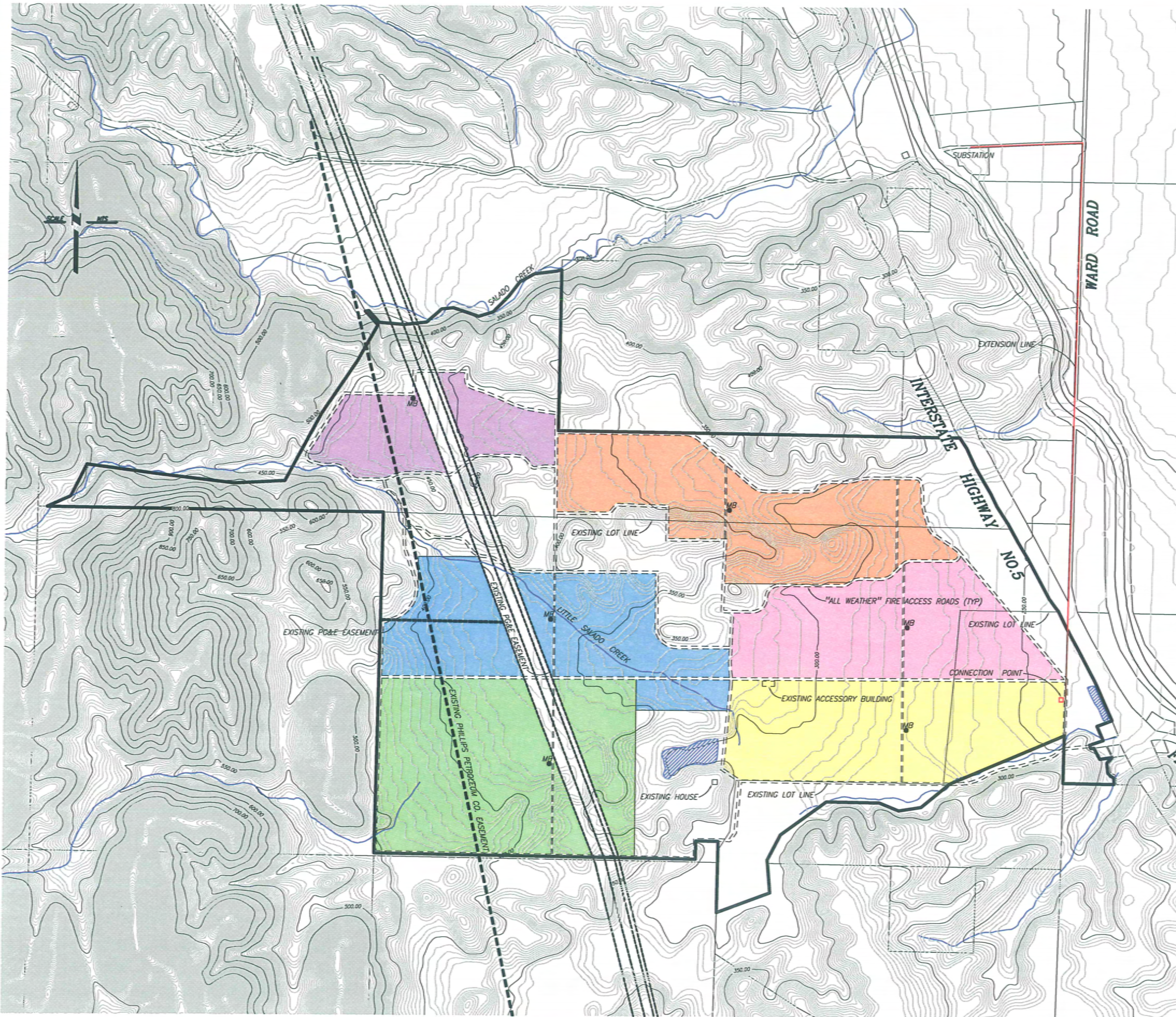
SITE

NEWMAN



UP 2010-03 – FINK ROAD SOLAR FARM
2008 Stanislaus County Aerial





PLOT PLAN

BEING A PORTION OF SECTIONS 13, 14, 15, 23
AND 24, STANISLAUS COUNTY RECORDS.
T.6 S., R.7 E., MDB&M
STANISLAUS COUNTY, CALIFORNIA
MARCH 2010

OWNER

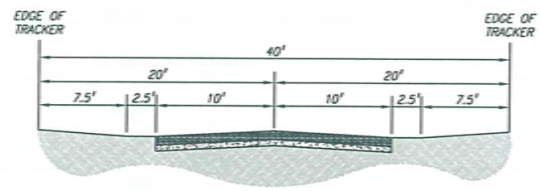
RECORD OWNER: COUNTY OF STANISLAUS
1010 10TH STREET
MODESTO, CA 95354
A.P.N. 027-033-012
025-012-016
025-012-017
025-012-031
025-012-033

GENERAL NOTES

1. AREA OF SUBDIVISION: 1,687± ACRES
2. THE LAND VARIES IN SLOPES OF 0%–44%
3. ZONING: A-2-160/A-2-40 GENERAL AGRICULTURE LAND
4. SOILS: CAPAY CLAY LOAMY SUBSTRATUM, VERNALIS-ZACHARIAS COMPLEX, STOMAR CLAY LOAM, ZACHARIAS CLAY LOAM, CHADUA-ARBURIA COMPLEX, CARBONA CLAY LOAM, DANLUS GRAVELLY CLAY LOAM
5. WATER TABLE: 268± PER CALIFORNIA DEPARTMENT OF WATER RESOURCES 1969
6. ONE 15'x15' UTILITY BUILDING MADE OF NON-COMBUSTIBLE MATERIAL WILL BE BUILT FOR EACH PHASE
7. THE PROJECT WILL BE COMPLETED IN MULTIPLE PHASES

LEGEND

- POTENTIAL PROJECT PHASING
- POTENTIAL PROJECT PHASING
- POTENTIAL PROJECT PHASING
- POTENTIAL PROJECT PHASING (POSSIBLE ORCHARD REMOVAL)
- POTENTIAL PROJECT PHASING (POSSIBLE ORCHARD REMOVAL)
- POTENTIAL PROJECT PHASING
- POSSIBLE LOCATION OF MAINTENANCE BUILDING AT PHASE BUILDOUT (SEE SHEET 2 FOR DESCRIPTION)



"ALL WEATHER" FIRE ACCESS ROAD

BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
213 SOUTH SIERRA AVENUE • OAKDALE, CALIFORNIA • 95361
(209) 945-9800 FAX: (209) 945-9805

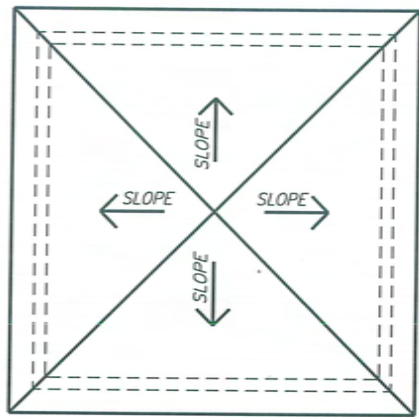


PLOT PLAN

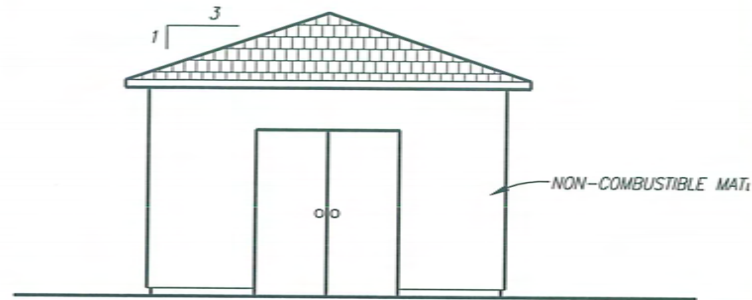
FINK ROAD SOLAR FARM
STANISLAUS COUNTY, CALIFORNIA

JOB NO. 194720
DATE 3-3-10
DRAWN BY TM
CHECKED BY
SCALE AS SHOWN

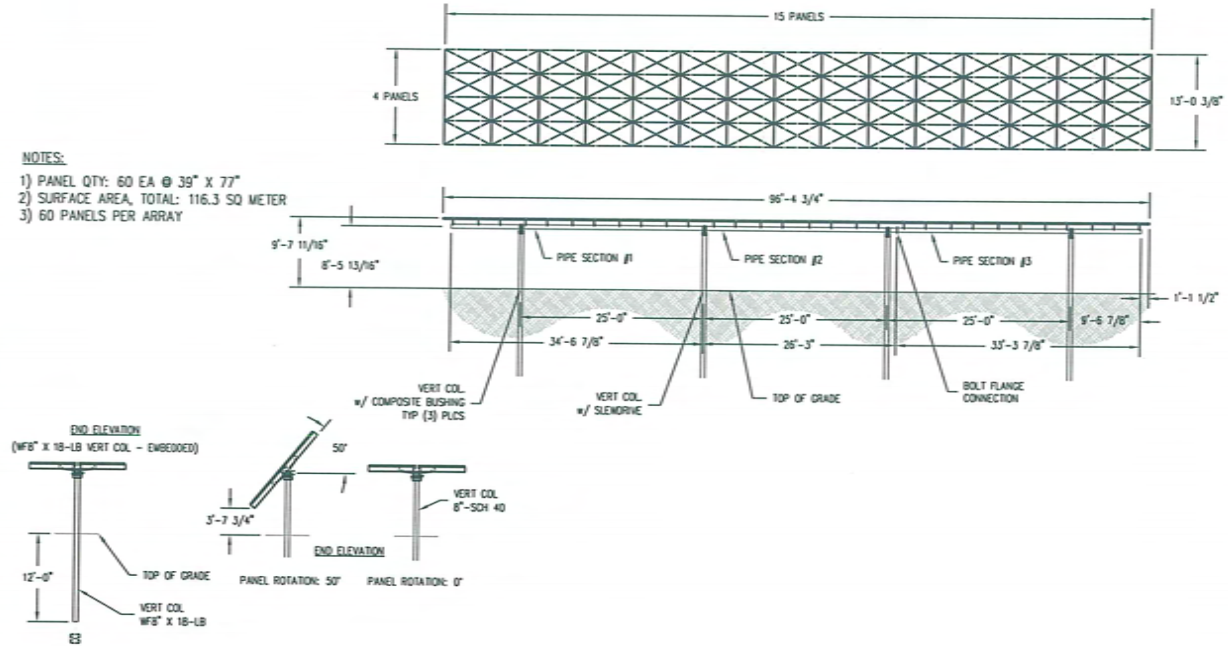
SHEET NUMBER
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OF 1 SHEETS



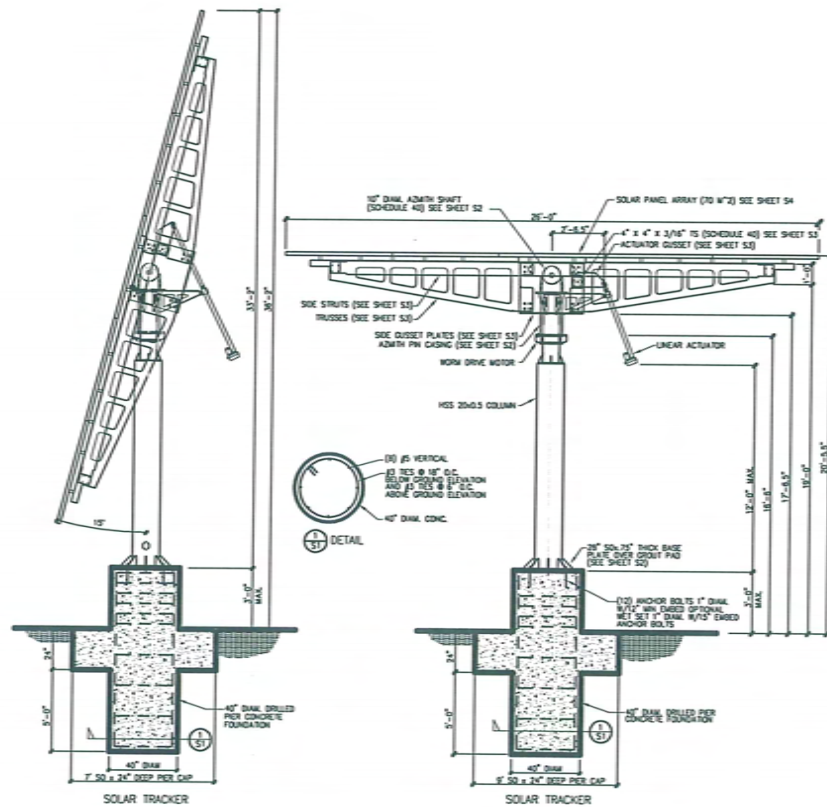
**MAINTENANCE BUILDING
ROOF PLAN**



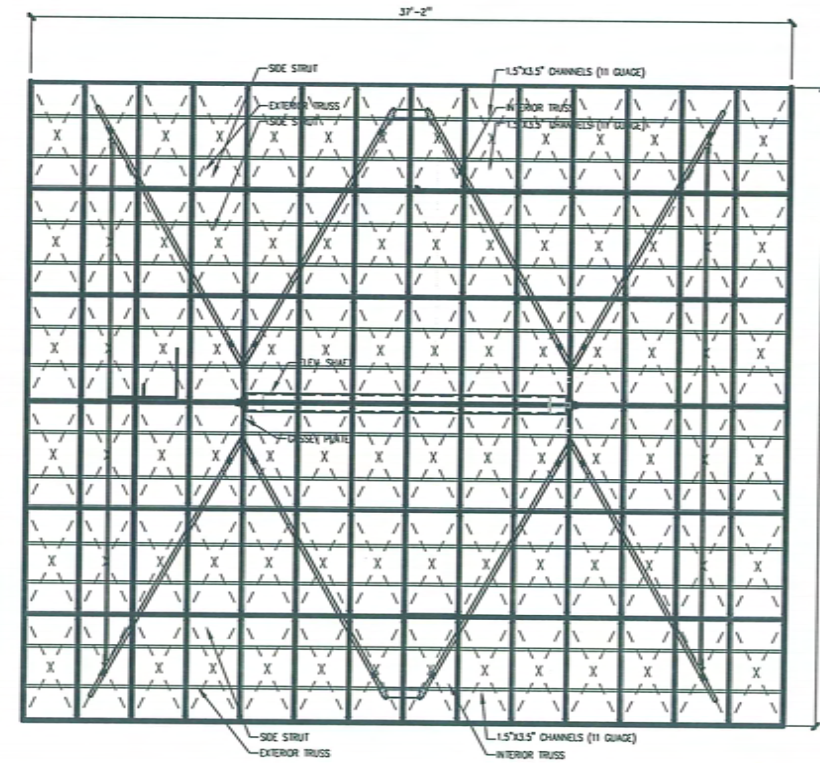
**MAINTENANCE BUILDING
ELEVATION**



SINGLE AXIS TRACKER



DUAL AXIS TRACKER



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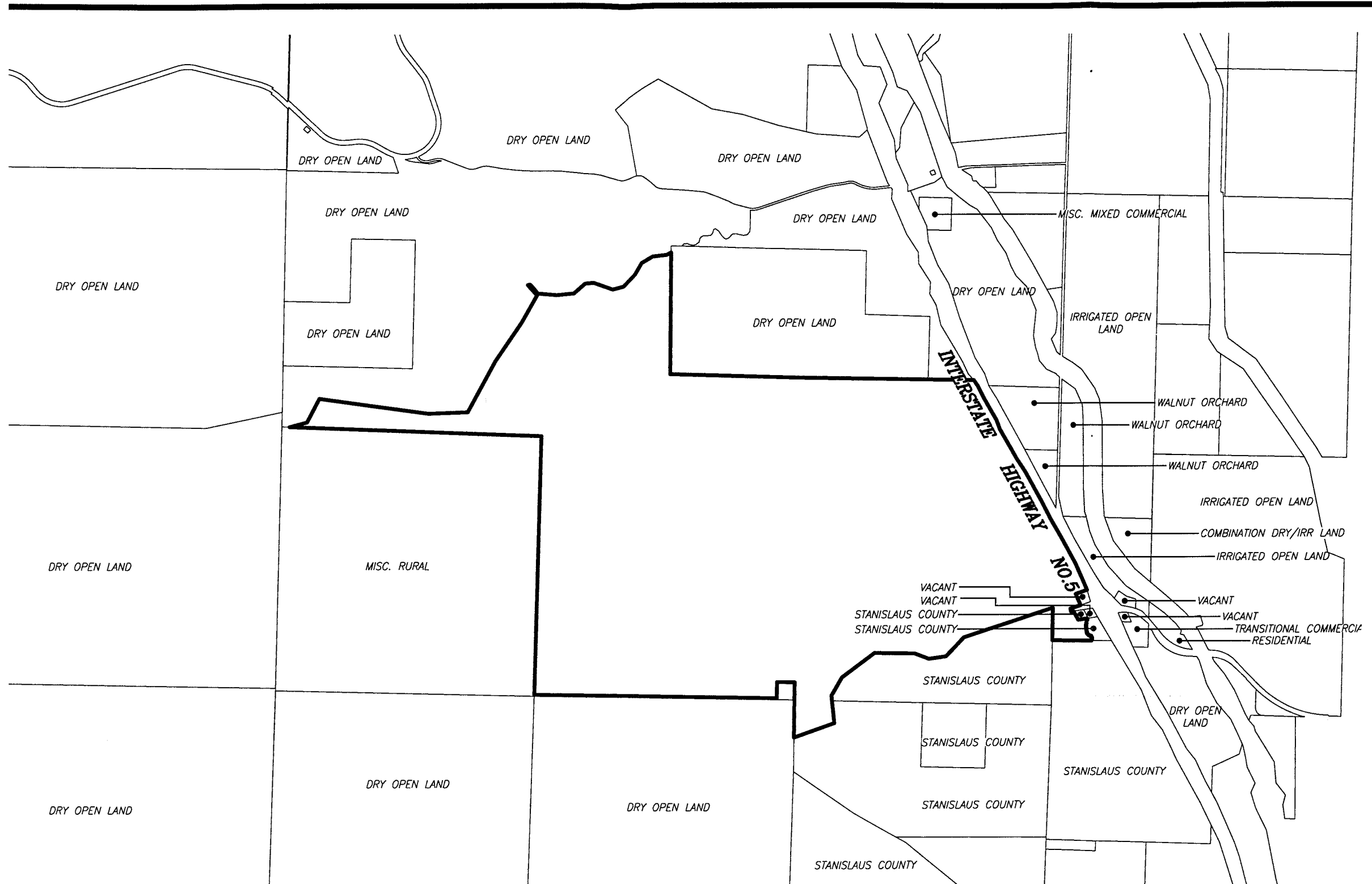


PLOT PLAN

FINK ROAD SOLAR FARM
 STANISLAUS COUNTY, CALIFORNIA

JOB NO. 194720
 DATE 2-2-10
 DR BY: TM
 CK BY:
 SCALE AS SHOWN

SHEET NUMBER
2
 OF 2 SHEETS



PREPARED UNDER THE DIRECTION OF:

NO.	DESCRIPTIONS	DATE	APPROVED

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CIVIL ENGINEERING & LAND SURVEYING
 213 SOUTH SIERRA AVENUE · OAKDALE, CALIFORNIA · 95361
 (209) 845-8300



AREA MAP
NK ROAD SOLAR FARM
 STANISLAUS COUNTY, CALIFORNIA