



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

March 26, 2007

PAO Investments, LLC  
45499 W. Panoche Road  
Firebaugh, CA 93622

<b>DOCKET</b> <b>06-AFC-10</b>	
<b>DATE</b>	MAR 26 2007
<b>RECD.</b>	APR 09 2007

To Whom It May Concern:

SUBJECT: SITE PLAN REVIEW NO. 7584

Site Address: 43627 W. Panoche Road  
APN: 027-060-78S  
Zoning District: AE-20 (Exclusive Agricultural)  
Use Approved: Allow a 120MW Peaking Power Plant  
Legal Description of Site: See attached description

The Department of Public Works and Planning has reviewed your application and determined that the required findings can be made and hereby approves Site Plan Review No. 7584 subject to the following conditions.

## CONDITIONS OF APPROVAL

The required improvements are listed below and on the approved plans. An inspection is required prior to the issuance of a Certificate of Occupancy to assure compliance with these conditions and the approved Site Plan. Please call (559) 262-4029, Fresno County Department of Public Works and Planning, Building and Safety Section, to arrange for this inspection when required improvements are completed.

Prior to the issuance of a Building Permit Required Development Clearances shall be completed/satisfied.

I. REQUIRED DEVELOPMENT CLEARANCES

- A. The project is within a flood hazard area and is subject to the base flood elevation per Chapter 15.48 of Title 15 of the Fresno County Ordinance Code. The information regarding flood elevation requirements in the Operational Statement submitted with this application does not reflect actual requirements. In addition, there shall be no net import of fill within the areas subject to flooding. Contact this Department for actual elevation requirements.
- B. All driveways and parking areas to be used by motor vehicles shall be designed by an architect or civil engineer in accordance with Fresno County Standards. Engineered plans for the construction, including a complete listing of materials, costs, and quantities in place, shall be submitted to this Department for approval. A Plan Check Fee, based upon construction costs, will be collected with the submittal of the Grading and Drainage Plan. The engineer who prepares the plan shall certify to this Department that the facilities have been constructed in accordance with approved plans and specifications.
- C. Storm water due to this development shall be retained on the property being developed in accordance with Fresno County Improvement Standards.
- D. When provisions are made to retain all runoff from this development within a drainage pond(s) or other facility acceptable to the Director of the Department of Public Works and Planning, the storage capacity shall be based on the formula:  $\text{Storage} = (.50) \text{CA}$ .
- E. A Grading and Drainage Plan shall be prepared by a Registered Civil Engineer and submitted to the Department of Public Works and Planning, in accordance with Section 6731 of the California Business and Professions Code. The Plan shall have an Engineer's Certificate indicating that the grading and drainage will have no adverse effect on the adjoining properties. Contact the Drainage and Grading Engineer for Drainage Plan requirements at (559) 262-4167.
- F. The design of the on-site fire protection water system, including, but not limited to the location and number of fire hydrants, and the size of the water mains, shall be submitted to the Fresno County Fire Protection District for review (Their comments have been attached.). A plan must be

submitted to this Department from the Fire District with their recommendations/approval. Contact Fire Protection Planning at (559) 485-7500 for an appointment.

- G. The Mendota Unified School District, in which you are proposing construction, has adopted a resolution requiring the payment of a Development Impact Fee. The County, in accordance with State law, which authorizes the fee, will not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
- H. A permit is required to be obtained from the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Contact the District at (559) 230-6000 for permitting requirements. A copy of the Authority to Construct shall be submitted to this Department.
- I. All Williamson Act requirements shall be satisfied.

Prior to the Certificate of Occupancy being granted all items listed below shall be completed/satisfied.

## II. OFF-SITE IMPROVEMENTS

- A. The necessary permits for off-site improvements shall be obtained from the Fresno County Department of Public Works and Planning, Road Maintenance and Operations Division, and shall be installed in accordance with Fresno County Improvement Standards.
- B. The developer is responsible for relocating those utilities within the road right-of-way(s) to the correct alignment and grade affected by the developer's improvements.
- C. An asphalt concrete driveway approach 24 to 35 feet in width shall be constructed along Panoche Road.

## III. ON-SITE IMPROVEMENTS

- A. The parking, circulation, and loading areas shall be graded and surfaced as noted on the approved plan. One parking space shall be provided for the physically disabled in accordance with the attached sheet. The space shall be located on the shortest possible route to an accessible entrance and shall be concrete or asphalt concrete paved. The required parking for the physically disabled shall be shown on the Grading and Drainage Plan.

- B. The driveway shall be graded and asphalt concrete paved a minimum width of 24 feet for the first 100 feet South of the ultimate road right-of-way.
- C. Active storage areas, truck parking, and circulation areas shall be treated with a dust palliative and repeated as necessary to prevent the creation of dust by vehicles.
- D. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.
- E. Any access gate shall be setback a minimum of 20 feet (or the length of the longest vehicle to initially enter the site) from the edge of the ultimate road right-of-way.

IV. MISCELLANEOUS

- A. Permits for structural, electrical, and plumbing work shall be obtained from the Department of Public Works and Planning, Permits Counter, prior to any construction.
- B. All proposed signs shall be submitted to the Department of Public Works and Planning, Permits Counter to verify compliance with the Zoning Ordinance.
- C. Vehicular access to this development shall be limited to the driveway approach shown on the approved plan.
- D. Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 485-7500 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.
- E. A Hazardous Materials Business Plan or Business Plan Exemption shall be completed and submitted to the Fresno County Department of Community Health, Environmental Health System. Contact the Certified Unified Program Agency (CUPA) at (559) 445-3271 for information. A letter shall be submitted from CUPA stating that the Business Plan or Exemption has been submitted.
- F. The Civil Engineer who prepares the on-site improvement plans shall inspect construction of the facilities and shall certify to the Department of Public Works and Planning that the work conforms with approved plans and specifications.

- G. A 45 degree (45°) corner cut-off of no obstruction to visibility shall be maintained. (See typical corner cut-off drawing.)
- H. A copy of the Permit to Operate issued by the San Joaquin Valley Unified Air Pollution Control District shall be submitted to this Department.
- I. Waste water shall be disposed of in accordance with California Regional Water Quality Control Board requirements. Documentation shall be provided to this Department showing that this project is in compliance with Board requirements.

V. NOTES

- A. Specific industrial activities, including manufacturing, transportation, waste handling facilities and others which might generate contaminated runoff, must secure Storm Water Discharge Permits from the State Water Resources Control Board in compliance with the NPDES Regulations promulgated by the U.S.E.P.A. (CFR Parts 122-124, Nov. 1990). If the applicant determines that a NPDES Permit is required for operations of the proposed facility, a State General Permit Notice of Intent must be filed with the State Water Resources Control Board. Copies of the State General Permit and Notice of Intent are available at the Fresno Metropolitan Flood Control District. For more information on procedures, contact the California State Water Resources Control Board, Division of Water Quality, Attention: Storm Water Permit Unit, P.O. Box 1977, Sacramento, CA 95812-1977 or call (916) 341-5536 for an individual to address your concerns.
- B. Construction activities, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that would result in a disturbance of one (1) acre or more of the total land area, must secure a Storm Water Discharge Permit in compliance with the U.S.E.P.A.'s NPDES Regulations (CFR Parts 122-124, Nov. 1990). The Permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. Copies of the State General Permit and Notice of Intent are available at the Fresno Metropolitan Flood Control District. For more information or procedures, contact the California State Water Resources Control Board, Division of Water Quality, Attention: Storm Water Permit Unit, P.O. Box 1977, Sacramento, CA 95812-1977 or call (916) 341-5536 for an individual to address your concerns.
- C. The proposed development shall implement all applicable Best Management Practices (BMPs) presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines, available at the Fresno Metropolitan Flood Control District office, to reduce the

release of pollutants in storm water runoff to the maximum extent practicable. Contact the District at (559) 456-3292 for information.

- D. All hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling
- E. If the use of this property should ever change, the owner or operator is obligated to verify that the new use would be allowed by all applicable building codes and ordinances of Fresno County. Contact the Fresno County Department of Public Works and Planning, Permits Counter at (559) 262-4302 for information on applicable codes and ordinances.
- F. All hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage, and handling of hazardous wastes.
- G. Should a water well be drilled to serve the administration and control buildings, a Permit to Construct a Water Well shall be obtained from the Fresno County Department of Community Health, Environmental Health System. Contact Ed Yamamoto at (559) 445-3357 for information.
- H. The project description indicates the use of aqueous ammonia. Based upon the information contained in the operational statement, this facility will have to comply with the California Accidental Release Prevention (Cal-ARP) Program (Title 19, California Code of Regulations Section 2745.1(e)). A Risk Management Plan shall be submitted to the local Certified Unified Program Agency (CUPA) prior to the date in which the regulated substance (ammonia) is first present the process above the listed threshold quantity of 500 pounds. Contact the CUPA at (559) 445-3271 for information.
- I. Fresno County Ordinances require that sanitary facilities shall be installed in accordance with requirements of the Fresno County Department of Public Works and Planning.
- J. Required site improvements may be bonded in accordance with the provisions of Section 874-C-2 of the Fresno County Zoning Ordinance.
- K. This Site Plan Review approval shall expire in two years from the date of approval unless substantial development has commenced.

This approval is final, unless appealed to the Fresno County Planning Commission. In this event, you must submit a fee of \$482.50 and file a written appeal setting forth your reasons for such appeal to the Commission. Such appeal shall be filed with the Director

of the Department of Public Works and Planning within 15 days after the mailing of this decision and shall be addressed to:

Department of Public Works and Planning  
Development Services Division  
Attention: Robin Tani  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

If you have any questions, please contact me at (559) 262-4215.

Very truly yours,



Robin Tani, Senior Planner  
Development Services Division

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c: Fresno County Department of Community Health, Environmental Health System  
Fresno County Fire Protection District; 210 S. Academy Ave.; Sanger, CA 93657  
Marcus D. Magness; 7108 N. Fresno Street, Suite 410; Fresno, CA 93720

Enclosure

## EXHIBIT "A"

### Property Description

Being a portion of the Southwest Quarter of Section 5, Township 15 South, Range 13 East; Mount Diablo Base and Meridian, in the County of Fresno, State of California, lying south of the southerly right-of-way line of Panoche Road and east of that certain parcel of land described in the deed from B.E. Montgomery and wife to Pacific Gas and Electric Company dated November 17, 1948 and recorded in Book 2689 at Page 410, Official Records Fresno County, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5; thence North 00°21'06" East along the west line of said Section 5 a distance of 1760.25 feet to a point on the said southerly right-of-way line of Panoche Road (80 feet wide); thence North 64°43'53" East along said southerly right-of-way line a distance of 69.62 feet to the beginning of a curve concave to the northwest having a radius of 56,540.00 feet; thence northeasterly 509.96 feet along said curve and southerly right-of-way line through a central angle of 00°31'07" to the beginning of a tangent line; thence North 64°13'59" East along said southerly right-of-way line a distance of 1077.76 feet to the northeasterly corner of said land as described per deed to Pacific Gas and Electric Company; said point also being the TRUE POINT OF BEGINNING; thence the following courses:

- 1) North 64°13'59" East continuing along said southerly right-of-way line a distance of 65.30 feet;
- 2) South 26°27'26" East leaving said southerly right-of-way line a distance of 150.79 feet;
- 3) North 64°17'53" East a distance of 199.83 feet;
- 4) South 26°09'22" East a distance of 57.00 feet;
- 5) North 64°13'59" East a distance of 341.73 feet;
- 6) South 25°46'01" East a distance of 358.02 feet;
- 7) South 50°21'56" West a distance of 187.78 feet;
- 8) South 46°38'42" West a distance of 304.95 feet to the southeasterly corner of said land as described per deed to Pacific Gas and Electric Company;
- 9) North 36°43'05" West along the easterly line of said land as described per deed to Pacific Gas and Electric Company a distance of 716.22 feet to the Northeasterly corner of said deed to Pacific Gas and Electric Company and TRUE POINT OF BEGINNING

Said Parcel contains 5.62 acres more or less.

#### Basis of Bearings:

The centerline of Panoche Road between found Fresno County Brass Cap Monuments at stations 173 + 63.18 and 192 + 89.15 feet located in the Southwest Quarter of Section 5, T.15S., R.13E., taken as North 64°13'59" East per Book 34 of Record of Surveys at Pages 99-101, Fresno County Records.

Date: April 26, 2006

By:   
Cris H. Robles, P.L.S.



# FRESNO COUNTY

FIRE PROTECTION DISTRICT



March 6, 2007

**SPR 7584**

Edward Gonzalez, Planner  
County of Fresno  
Fresno County Public Works & Development Services  
2220 Tulare Street, Six Floor  
Fresno, CA 93721

REC'D  
MAR 06 2007  
COUNTY OF FRESNO  
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Transmitted by Email to: [egonzalez@co.fresno.ca.us](mailto:egonzalez@co.fresno.ca.us)

RE: **SPR# 7584**  
Marcus Maguess / Starwood Power Midway, LLC  
43649 Panoche Road  
Firebaugh, Ca.

Dear Edward Gonzalez, Planner:

The Fresno County Fire Protection District comments in regards to the above project requires compliance of the 2001 California Fire Code and the following Articles & Sections:

**CALIFORNIA FIRE CODE, 903.2**      **Required water supply for fire protection**  
An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

**Note:** When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. See Section 903.4.

**Submit water plans to the Fire Prevention Bureau for approval**

**CALIFORNIA FIRE CODE, 1002.1**      **Portable fire extinguishers**  
Portable fire extinguishers shall be in accordance with UFC Standard 10-1.  
UFC Standard 10-1, 1-6.8 Extinguishers installed under conditions where they are subject to physical damage shall be protected from impact.

**CALIFORNIA FIRE CODE, 902.2.2.1**      **Fire Department Access - Dimensions**  
Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

**CALIFORNIA FIRE CODE, 902.2.2      Obstruction & control of fire apparatus access**

The required width of a fire apparatus access shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 902.2.2.1 shall be maintained at all times.

**CALIFORNIA FIRE CODE, 902.2.2.2      Surface**

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**CALIFORNIA FIRE CODE, 901.4.4      Premises identification**

Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

**CALIFORNIA FIRE CODE, 902.4      Key Boxes**

When access to or within a structure or area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

**CALIFORNIA FIRE CODE, 1003.3.2      Alarms ( Where Fire Sprinklers are Installed)**

An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location.

**CALIFORNIA FIRE CODE, 1001.7.2      Clear space around hydrants**

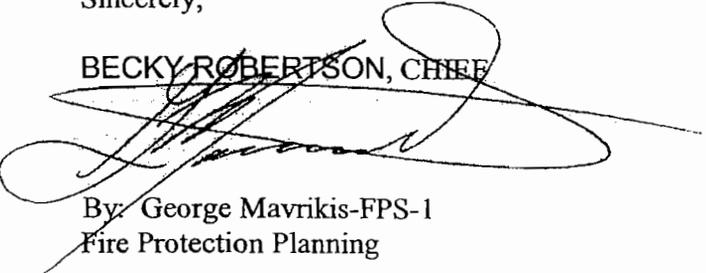
A 3-foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved.

**Submit plans for all buildings that will be Sprinkled.  
Submit plans for all buildings that will be Fire Alarmed.**

Please contact me at (559) 485-7500 Ext. 113, if you have any questions.

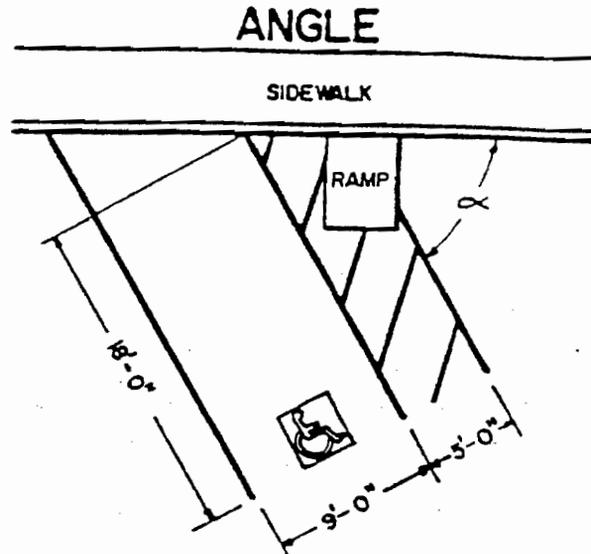
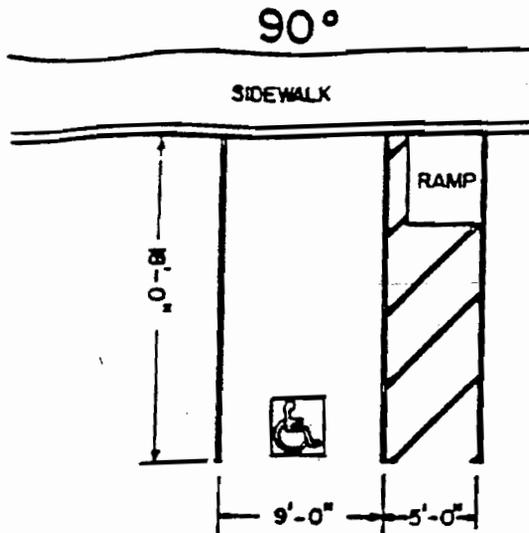
Sincerely,

BECKY ROBERTSON, CHIEF

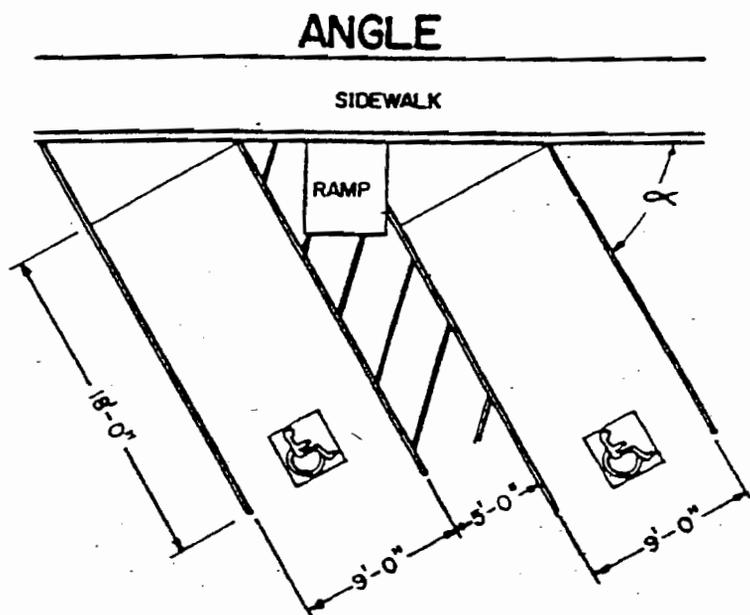
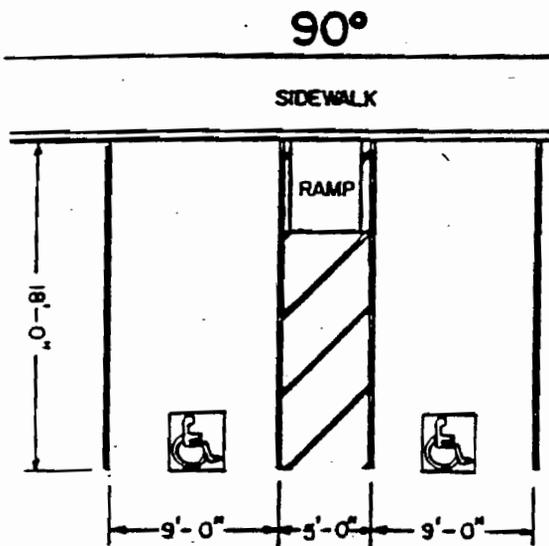


By: George Mavrikis-FPS-1  
Fire Protection Planning

SINGLE STALL

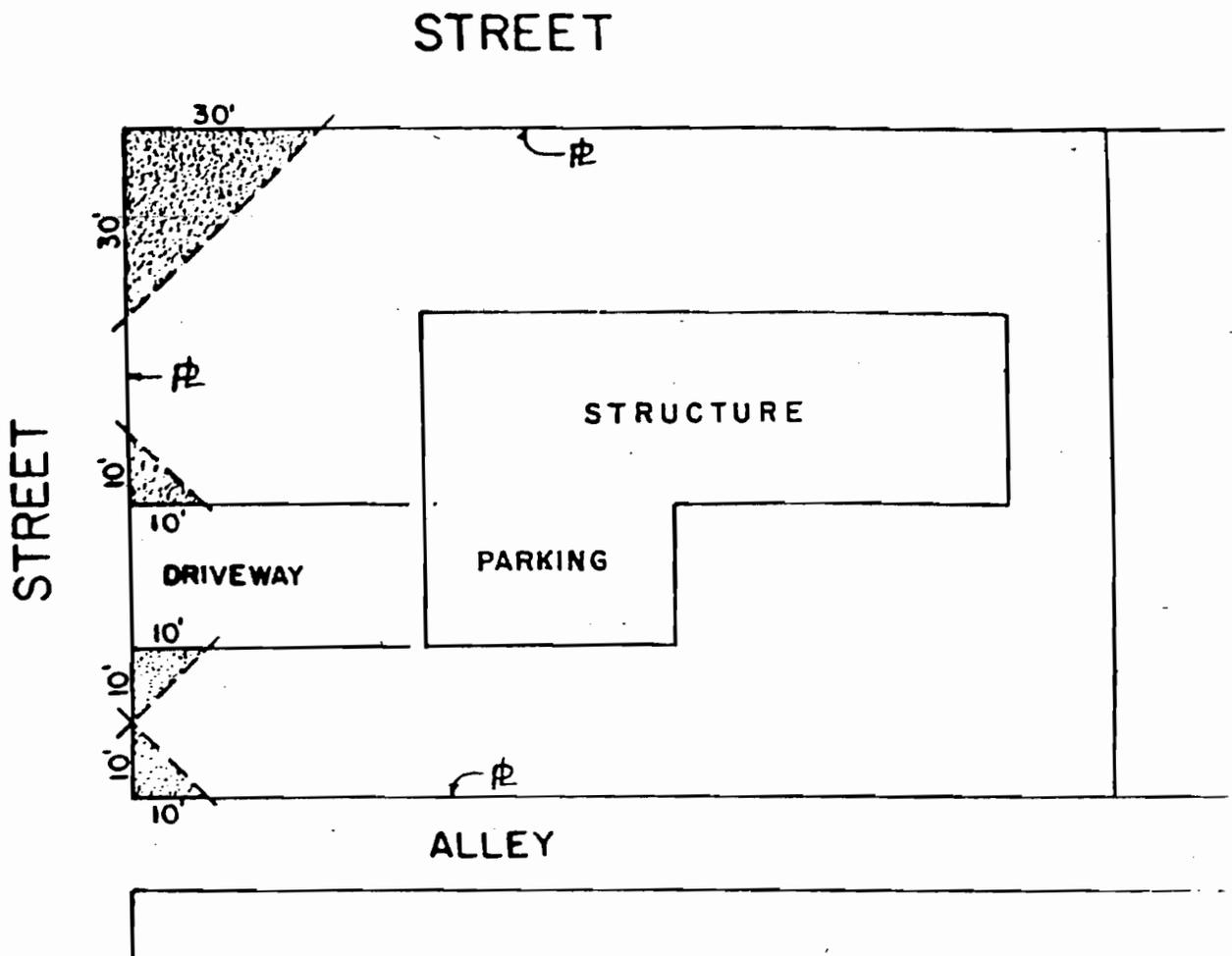


DOUBLE STALLS



NOTES:

1. Dimensions shown are the allowed minimums.
2. Angle  $\alpha$  is a variable, allowed angles are:  $30^\circ$ ,  $40^\circ$ ,  $45^\circ$ ,  $50^\circ$ ,  $60^\circ$ , &  $75^\circ$ .
3.  $2\frac{1}{2}'$  wide stripes in the loading zone shall be 3' on center.
4. The location of the ramp may vary and must comply with Fresno County Standards.
5. Sidewalks and ramp shall have a minimum width of 48".
6. The handicapped logo shall be a white symbol on a blue background.
7. A sign of not less than 70 square inches in area shall be placed on center of the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the surface of the parking space.
8. Where applicable, the curb or the bumper stop shall be painted the same color blue as the handicapped logo.



**TYPICAL CORNER CUT-OFF  
(INDICATED IN GREY)**

**REQUIREMENTS OF THE CORNER CUT-OFF AREA**

1. The branches of trees located within the corner cut-off area must be trimmed and maintained at a height of not less than seven (7) feet.
2. Bushes and shrubs must be trimmed and maintained at a height not to exceed three (3) feet. Fences, hedges, and walls shall not exceed three (3) feet in height.