County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

06-AFC-5
DOCKET
06-AFC-10
DATE MAY 02 2007
RECD. MAY 07 2007

May 2, 2007

Paul C. Richins, Jr., Manager
California Energy Commission
Environmental Office
Energy Facilities Siting Division
1515 Ninth Street
Sacramento, CA 95814

Dear Mr. Richins:

SUBJECT: Panoche Energy Center and Starwood Midway Energy Center

The following is in response to your letter received on April 24, 2007, requesting the County's determination regarding general plan conformance for the proposed Panoche Energy and Starwood Midway Energy Centers. Your letter notes that "the County does not provide a thorough discussion of how a use such as a power plant would be consistent with the uses allowed by right or by special permit listed in Table LU-3 in the General Plan Agriculture and Land Use Element or with the provisions and intent of the Agriculture land use designation". County staff did discuss with Amanda Stennick, of your staff, the basis for staff's conclusion that the proposed alternative use (subject thermal energy plants) is consistent with the County's General Plan. Further, the Fresno County Board of Supervisors concurred and determined that the alternative use is consistent with the General Plan when they approved the petitions for partial cancellation of the two subject sites on April 24, 2007. Once released, we will forward to you copies of the Minute Orders citing the Board's April 24th approval action. As well, pursuant to Ms. Stennick's email request on April 30th, once we receive the recorded Tentative Certificates of Cancellation, we will forward copies to your office.

If the information provided to your staff or the Minute Orders of the Board's approval actions are not adequate for your purposes, further written analysis would require the submittal of a General Plan Conformity Application. This application process would include a formal response relating to a finding of consistency of the proposed thermal energy plants and the existing Agricultural land use designation of the subject property.

Enclosed is an application to be completed and returned. The filing fee for the processing of the application is $817.00.

If you have any questions, please do not hesitate to contact Jared Nimer at (559) 262-4022.

Sincerely,

Margie McHenry, Senior Planner
Development Services

MM:hr
G:\4360Devs&Pln\PLANNING\AG\RLCC - Apps\Active Cancellation\RLCC 838 PAO Investments\CECletter.doc

Enclosure

c: Alan Weaver, Director
Bernard Jimenez, Manager
Will Kettler, Principal Planner
Jared Nimer, Planner
Marcus Magness

Fresno County Department of Public Works and Planning

MAILING ADDRESS:
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

LOCATION:
Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 262-4055
Toll Free Phone: 1-800-742-1011

APPLICATION FOR:

- ☐ Amendment Application
- ☐ Amendment to Text
- ☐ Conditional Use Permit
- ☐ Director Review and Approval
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  - ☐ General Plan Amendment
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- ☐ Determination of Merger
- ☐ Agreements

DESCRIPTION OF PROPOSED USE OR REQUEST:

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PLEASE TYPE OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements and deeds as specified on the Pre-Application Review.

LOCATION OF PROPERTY: _____ side of _____

between _____ and _____

Street address _____

APN _____ Parcel size _____ Sec-Twp / Rg. _____ - _____ / _____

LEGAL DESCRIPTION: (Attach Copy of Deed)

I, _____ (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type)	Address	City	Zip	Phone
Applicant (Print or Type)	Address	City	Zip	Phone
Representative (Print or Type)	Address	City	Zip	Phone

OFFICE USE ONLY

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This permit is sought under Ordinance Section: _____
Related applications: _____
Drafting verification: Zone District: _____
APN# _____ - _____ - _____
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Sec. Twp. Rg. _____ - _____ / _____
Parcel Size _____

WHEN VALIDATED
THIS APPLICATION IS YOUR RECEIPT

GREEN – DEPARTMENT COPY WHITE – APPLICANT COPY CANARY

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.
4. The granting of such variance will not be contrary to the objectives of the General Plan.

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REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF CONDITIONAL USE PERMIT

1. That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

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REQUIREMENTS FOR SITE PLANS TO BE SUBMITTED TO THE FRESNO COUNTY PUBLIC WORKS AND PLANNING DEPARTMENT

The purpose of the site (or plot) plan is to enable the Development Services Division to determine whether or not a proposed development conforms with Zoning Ordinance regulations. The requirements listed below are necessary to ensure proper review based on complete information and to prevent unnecessary delays in the processing of applications. Improper or incomplete site plans will not be accepted.

A. General Requirements:

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2. The plan must show the entire parcel of property described in the application. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
3. The plan must be drawn to scale, and the scale must be clearly shown. (Scale should also be large enough to adequately show required information). Parking and circulation plans must be drawn to a scale of 1"= 30', 1/32= 1', or larger.
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B. Specific Information To Be Shown

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4. Access to the property: pedestrian, vehicular, and service.
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6. Existing and proposed off-street parking and loading areas: location and type of paving, number of spaces (including detailed layout) and internal circulation pattern.
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11. Landscaping: location and type of plant material.
12. Pedestrian walkways: location, width and type of paving.
13. Existing wells and private sewage disposal systems.
14. Such other information as may be pertinent to the application.

ADDITIONAL COMMENTS

Fresno County Department of Public Works and Planning

MAILING ADDRESS:
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

LOCATION:
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