County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

DOCKET 06-AFC-5
DATE MAR 2 6 2007
RECD. APR 1 0 2007

March 26, 2007

W. David Jenkins
1293 E. Jessup Way
Mooresville, IN 46158

To Whom It May Concern:

SUBJECT: SITE PLAN REVIEW NO. 7586

Site Address:	43883 W. Panoche Road
APN:	027-060-78S
Zoning District:	AE-20 (Exclusive Agricultural)
Use Approved:	Allow a 400MW 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. 7586 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.

PROOF OF SERVICE (REVISED 3/16/07 **) FILED WITH**
ORIGINAL MAILED FROM SACRAMENTO ON 4/10/07

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

I. REQUIRED DEVELOPMENT CLEARANCES

A. 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.

B. Storm water due to this development shall be retained on the property being developed in accordance with Fresno County Improvement Standards.

C. 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: Storage = (.50) CA.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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. The driveway shall intersect the Road at a 90 degree angle.

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. The driveway shall intersect the Road at a 90 degree angle.

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 in 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
Gary R. Chandler; 2542 Singletree Lane; S. Jordan, UT 84095

Enclosure

LEGAL DESCRIPTION
PREMISES BOUNDARY EASEMENT
"PROPOSED PANOCHE ENERGY CENTER"
PORTION OF
ASSESSOR'S PARCEL 027-060-78S
VICINITY OF FIREBAUGH,
FRESNO COUNTY, CALIFORNIA

October 9, 2006

Being a portion of real property in the Southwest Quarter of Section 5 Township 15 South, Range 13 East, Mount Diablo Base and Meridian, according to the official plat thereof lying Southerly of Panoche Road, being a portion of that certain real property described in a document dated June 13, 1978 to Robert Hansen, Trustee under the Sharla M. Baker Trust as Instrument No. 89-106620 Official Records, County of Fresno, vicinity of Firebaugh, California more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 5 at a found 2" iron pipe thence along the West line of said Section 5 being the Southwest Quarter thereof North 01° 34' 29" East 902.88 feet; thence leaving the West line of said Section 5 through the interior of said Southwest Quarter of Section 5 the following seven (7) courses: South 89° 10' 03" East 39.95 feet to the **POINT OF BEGINNING** of the herein described real property; North 00° 49' 57 " East 522.11 feet; South 89° 10' 03" East 1001.11 feet; South 00° 49' 57 " West 690.97 feet; North 89° 10' 03" West 212.94 feet; North 00° 49' 57" East 168.86 feet; North 89 10' 03" West 788.17 feet to the **POINT OF BEGINNING.**

Containing 558,646 square feet of land (12.82 acres), more or less.

This description is based on record information. The Basis of Bearings are NAD 1983, Epoch 2004.50, California Coordinate System, Zone 4 and are based upon a GPS Survey constrained to NGS monuments: AC6117 (HPGN D CA 06 NC) survey disk in bridge abutment and GU4142 (Z 1444) stainless steel rod.

FRESNO COUNTY

FIRE PROTECTION DISTRICT

March 6, 2007

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

Transmitted by Email to: rperkins@co.fresno.ca.us

RE: **SPR# 7586**
Panoche Energy Center, LLC
43649 Panoche Road
Firebaugh, Ca.

Dear Richard Perkins, 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.

Telephone (559) 485-7500 Ext- 113 210 South Academy Avenue, Sanger, California 93657 FAX (559) 875-7451

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, 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,

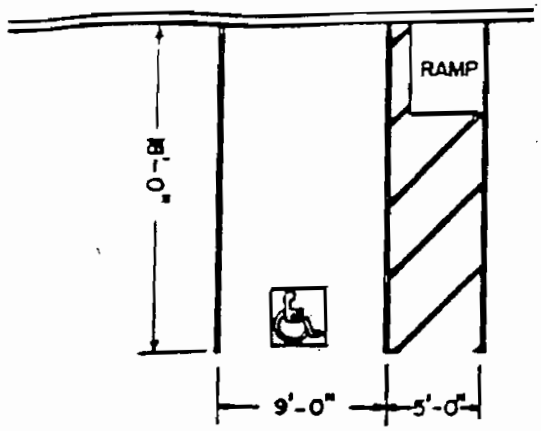
BECKY ROBERTSON, CHIEF

By: George Mavrikis-FPS-1
Fire Protection Planning

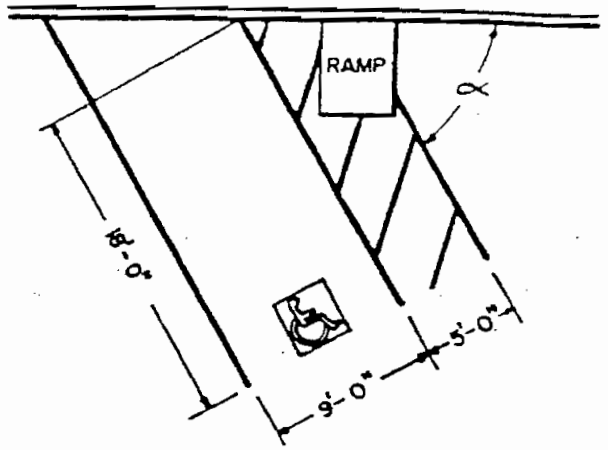
HANDICAPPED PARKING STALLS

SINGLE STALL

90°

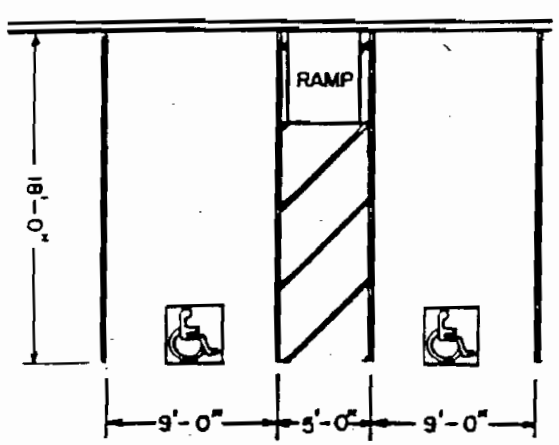


ANGLE

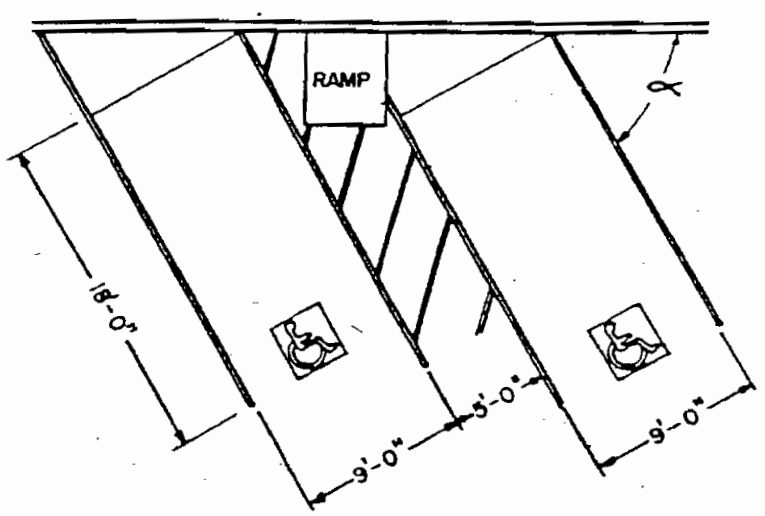


DOUBLE STALLS

90°

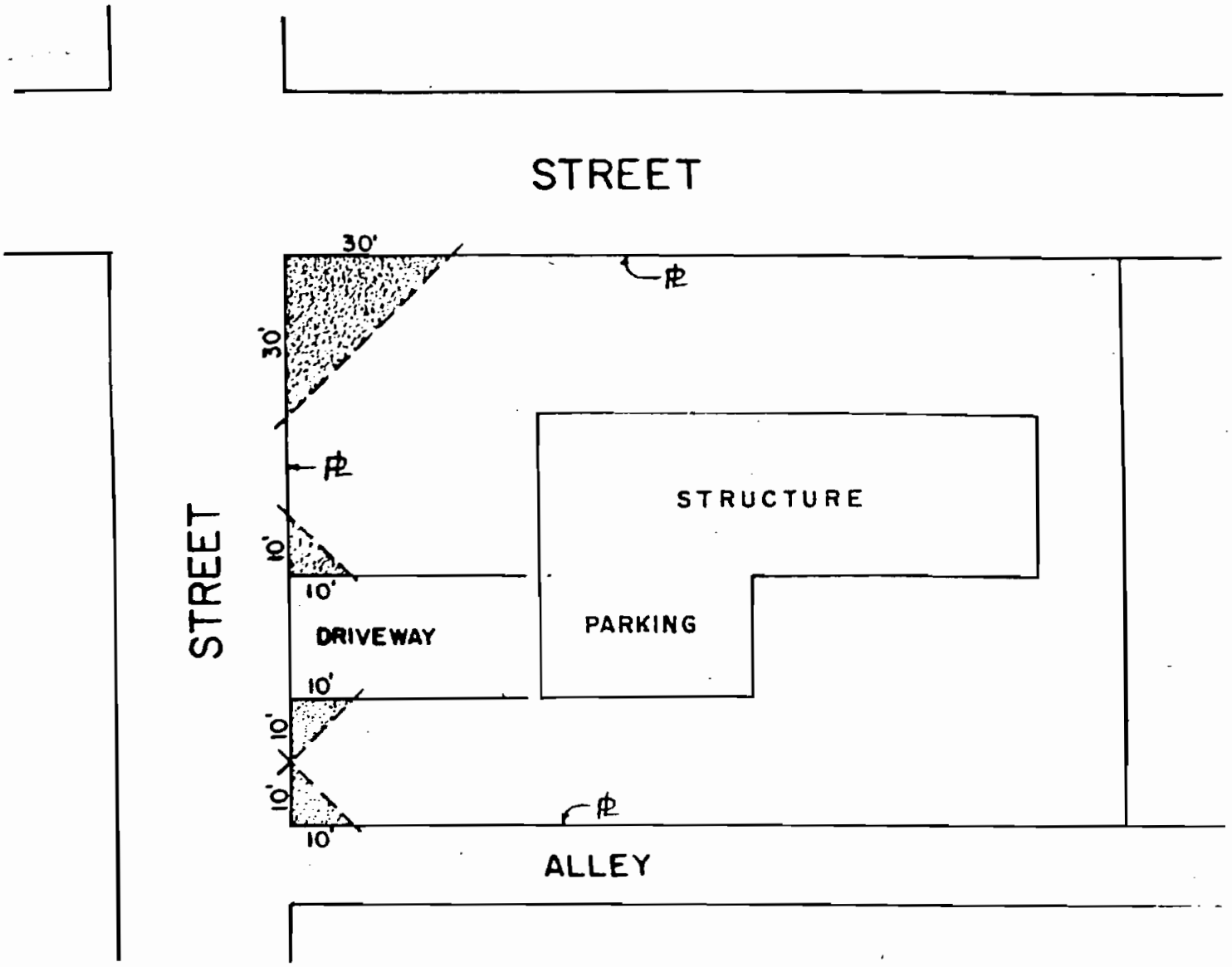


ANGLE



NOTES:

1. Dimensions shown are the allowed minimums.
2. Angle α is a variable, allowed angles are: 30°, 40°, 45°, 50°, 60°, & 75°.
3. 2½' 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 inces 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.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE PANOCHE ENERGY CENTER	**Docket No. 06-AFC-5 PROOF OF SERVICE (Revised 3/16/07)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Gary R. Chandler
Panoche Energy Center, LLC
P.O. Box 95592
South Jordan, UT 84095-0592

APPLICANT CONSULTANTS

Maggie Fitzgerald, Program Manager
URS
2020 East First Street, Suite 400
Santa Ana, CA 92705

COUNSEL FOR APPLICANT

Allan Thompson
21 "C" Orinda Way, No. 314
Orinda, CA 94563
allanori@comcast.net

INTERESTED AGENCIES

Larry Tobias
Ca. Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
LTobias@caiso.com

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esaltmarsh@eob.ca.gov

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Margret J. Kim
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DECLARATION OF SERVICE

I, Diana Tercero, declare that on April 10, 2007, I deposited copies of the attached Site Plan Review No. 7586 Regarding the Proposed 400-megawatt (MW) Simple-cycle Power Plant for the Panoche Energy Center project (06-AFC-5), in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Diana Tercero
[signature]