

STANISLAUS COUNTY PLANNING COMMISSION

August 18, 2016

STAFF REPORT

VARIANCE APPLICATION NO. PLN2016-0067
1ST LIGHT ENERGY

REQUEST: A VARIANCE FROM THE REQUIRED SIDE YARD SETBACK FOR AN INSTALLED GROUND MOUNTED PHOTOVOLTAIC SYSTEM.

APPLICATION INFORMATION

Applicant	1 st Light Energy
Property Owner:	Oakdale Golf and Country Club, A California Non-Profit
Agent:	Justin Krum, 1 st Light Energy
Location:	243 N. Stearns Road, east of N. Stearns Road and north of State Route 108/120, in the Oakdale area.
Section, Township, Range:	1-2-10
Supervisory District:	One (Supervisor O'Brien)
Assessor's Parcel:	064-016-017
Referrals:	See Exhibit H
Area of Parcel(s):	132.73
Water Supply:	N/A
Sewage Disposal:	N/A
Existing Zoning:	R-A (Rural Residential)
General Plan Designation:	Low Density Residential (LDR)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Exempt (CEQA Guidelines Section 15305)
Present Land Use:	Golf course, country club, various accessory buildings, and a ground mounted photovoltaic system.
Surrounding Land Use:	To the north, unimproved City of Oakdale's owned land and the Stanislaus River; to the west, the City of Oakdale, to the east; single- family residential development and to the south; single-family residential development and State Route 108/120.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all the findings required for project approval.

PROJECT DESCRIPTION & BACKGROUND

The applicant is requesting a two-foot variance from the five foot interior yard setback in the R-A (Rural Residential) zoning district for the placement of a 328 KW ground mounted photovoltaic system.

A building permit for the system was issued by the County based on a site plan reflecting the required five-foot setback (See Exhibit B – *Maps, Site Plan & Elevations*). The system, as constructed, consists of two primary arrays running east to west a distance of approximately 550 feet and four smaller arrays located just southeast of the two larger primary arrays. All of the solar arrays are 13 feet in height. Also provided in Exhibit B are aerial photos of the project site area, before and after installation of the system, and photos of the installed system.

During inspection, the solar panels along the northern property line were measured to encroach into the required five-foot setback. To determine the exact encroachment, the applicant had the property surveyed and identified the solar panels to encroach up to two feet into the required setback (See Exhibit B – *Maps, Site Plan & Elevations*). The survey also reflects that the fencing along the northern property line encroaches onto the adjoining parcel owned by the City of Oakdale (See Exhibit E – *Applicant Statement of Findings/Survey Information*).

A variance request has been submitted to allow the installed northern solar panels to remain with only a three-foot setback instead of the required five feet.

SITE DESCRIPTION

The project is located at the northwest end of a 132.73± acre parcel developed with an 18-hole golf course and country club (the Oakdale Golf & Country Club), east of North Stearns Road and north State Route 108/120, in the Oakdale area. The site is located outside of the City of Oakdale's Local Agency Formation Commission's adopted Sphere of Influence, which runs along North Stearns Road. Surrounding land uses consist of unimproved City of Oakdale owned property and the Stanislaus River to the north, residential development and State Route 108/120 to the south, the City of Oakdale's Kerr Park to the west, and residential development to the east (See Exhibit B – *Maps, Site Plan & Elevations*).

The 132.73± acre parcel is irregular in form as the golf course wraps around an existing residential development. The northwest area of the parcel, where the solar system has been developed, consists of a 60.76 foot wide by 555.74 foot deep strip of land which has not been utilized as part of the golf course development and has two overhead utility lines, with poles, running through the center. The photovoltaic system is surrounded by a six-foot high chain-link fence with privacy slats.

ISSUES

The following issues have been identified as part of the review of the project:

Setback Measurement

There is a differing in opinion regarding where on the photovoltaic system the setback measurement should be determined. (See Exhibit E - *Applicant Statement of Findings/Survey Information*.) In most cases, a ground mounted photovoltaic system consists of two main components: 1) the base or vertical supports secured in the ground and 2) a racking system, fastened to the base, supporting the solar panel at the desired angle to capture as much sunlight as possible. The solar panels are attached to, and extend past, the racking system, and overhang the entire base of the system

creating two possible points of measurement as reflected in the diagram incorporated in Exhibit B. Based on the meaning of a “Yard”, Section 21.12.630 of the County’s Zoning Ordinance, staff measures the setback from the closest point of the structure to the property line so as to have an unoccupied and unobstructed open space from the ground upward. As such, the setback for this project is measured by staff from the outer most top edge of the solar panel and not where the vertical supports meet the ground. The applicant contends that the measurement should be taken from where the vertical support meets the ground, which if measured this way would meet the required five-foot setback (See Exhibit B – *Maps, Site Plan & Elevations*).

Furthermore, the applicant contends that the panels could be considered as an architectural feature. Chapter 21.08 – General Provisions of the County’s Zoning Ordinance provides an exception for architectural features. Specifically, Section 21.08.060(A) states: “Architectural features such as cornices, eaves, and canopies may extend not exceeding three feet into any required yard.” While staff does not view the solar panels as an architectural feature for purposes of granting an exception, panels would be allowed on a building eave qualifying for the exception.

There is room on the property to relocate the northern solar array south, within the subject area. However, the applicant’s request for a variance from the five-foot setback is in lieu of the relocation of the northern solar array.

Concerns from Neighbors

Mr. Carl Porter, the property owner of the 2.21 acre parcel located at 955 North Stearns Road, nearest to the area developed with the photovoltaic system, has expressed concern with the impact of the system to the enjoyment and value of his property. The system has been installed along the entire length of Mr. Porter’s northern and eastern property lines. Mr. Porter has raised concerns with glare, general aesthetics, and a rise in temperature of his house, associated with system. With the exception of the setback issue, the system is a permitted use meeting local and state siting requirements. Recognizing the importance of solar energy to the State’s diversification of its energy sector, state law limits local review and discretionary permitting of noncommercial solar projects. This project has been sized to meet the on-site energy needs of the Oakdale Golf & Country Club and, as such, is a permitted use in the R-A zoning district subject only to issuance of a building permit. The requested variance addresses only the setback from the property line and does not call into question the legal right for the system to be installed.

On August 5, 2016, staff received an email from Mr. Roland Brown expressing concern with the project relating to fire safety and impacts to wildlife (See Exhibit F – *Correspondence*). The e-mail questions the ability for a fire truck to access the area in the event of a fire on the adjoining property to the north. Regardless of the setback needed for compliance with the County’s Zoning Ordinance, the system will continue to be subject to meeting compliance with California Building Code and California Fire Code requirements. A review of compliance with all code requirements is conducted as part of the building permit process. Clearing of vegetation on the project site area was undertaken to allow for development of the system through the building permit process. The issuance of a building permit, a ministerial permit, did not require environmental review for impacts to wildlife. The system has already been installed and granting of the requested variance will not result in any greater impact to the project site area.

No further issues have been identified.

GENERAL PLAN CONSISTENCY

The site is currently designated Low Density Residential (LDR) in the Stanislaus County General Plan. The intent of this designation is to provide appropriate locations and adequate areas for single-family detached homes, in either conventional or clustered configurations. Appropriate zoning within this designation includes the R-A zoning district, which allows for golf course and country club uses. The photovoltaic system requiring the variance is accessory to a permitted use established by the way of previous land use entitlements dating back over forty years. The General Plan does not establish policies precluding consideration of a variance in accordance with the County's Zoning Ordinance

ZONING ORDINANCE CONSISTENCY & VARIANCE FINDINGS

The site is currently zoned R-A (Rural Residential). The construction of a ground mounted photovoltaic system is permitted in the R-A zoning district provided it is an accessory use, as in this case. With the exception of the interior side yard setback requirements, the proposed ground mounted photovoltaic system meets all other zoning district standards.

Chapter 21.84 – Variances of the County's Zoning Ordinance allows for the granting of a variance where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the Zoning Ordinance may result from the strict application of certain provisions. In order for a variance to be granted, the following findings must be made:

- (a) That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
- (b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
- (c) That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

It is not common to find a 132.73± acre parcel with a 60.67 foot wide by 555.74 foot deep area with no defined purpose. The long narrowness of the area makes development as part of the on-site golf course a challenge both in terms of the actual physical area available for development and proximity to the clubhouse. The applicant now contends that at the time of development, a five-foot setback was measured from the vertical supports, and not the top of the solar panels, and that the site development was further constrained by the need to provide a fire access road between the solar arrays. Stanislaus Consolidated Fire has been working with the applicant to utilize an emergency power shut-off to be located at the gate near North Stearns Road, in lieu of a fire access road. Even without the need for a fire access road, there is not enough ground clearance to allow the solar panels to be shifted on the rack to meet a five-foot setback; and there is a substantial cost to physically relocate the entire system (base and rack) inwards.

Were the solar panels installed on the roof of a building, such as pole barn used for accessory storage to the golf course, the eaves would be allowed to encroach into the five-foot side yard setback as an architectural feature. While staff does not agree that the solar panels of a ground mounted photovoltaic system are an architectural feature, staff does not believe that this request would constitute a special privilege inconsistent with the limitations upon other property.

The requested variance effects the project site's northern property line adjoining an undeveloped 62-acre parcel owned by the City of Oakdale. The request has been referred to the City and no objection has been received. The primary purpose for the zoning ordinance setback is to enhance compatibility by providing for space between uses. Regardless of zoning setback requirements, all uses must still meet Building Code and Fire Code setbacks. Therefore, staff believes the requested variance will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to responsible agencies for review and comment and no significant issues were raised. (See Exhibit H - *Environmental Review Referrals*.) The project is exempt from CEQA under Section 15305 - Minor Alterations in Land Use Limitations of the California Code of Regulations (CEQA Guidelines) and no mitigation measures can be imposed on the project. A Notice of Exemption has been prepared for the project (See Exhibit D - *Notice of Exemption*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

Contact Person: Jeremy Ballard, Assistant Planner, (209) 525-6330

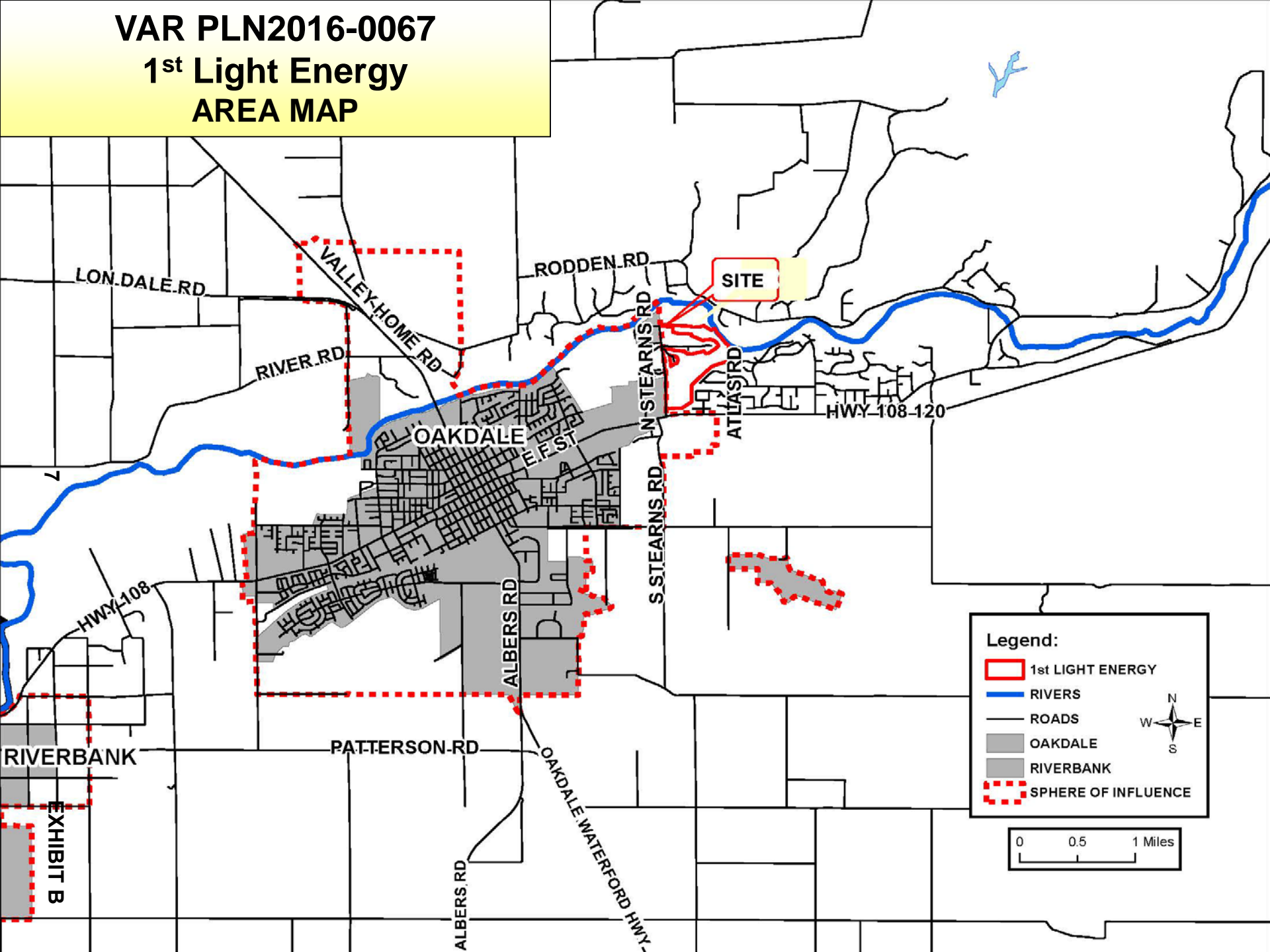
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan and Elevations
- Exhibit C - Conditions of Approval
- Exhibit D - Notice of Exemption
- Exhibit E - Applicant Statement of Findings/Survey Information
- Exhibit F - Correspondence
- Exhibit G - County Code Sections 21.12.630, 21.12.660, 21.24.080, 21.08.060 (A)
- Exhibit H - Environmental Review Referrals

Exhibit A
Findings and Actions Required for Project Approval

1. Find that there is no substantial evidence the project will have a significant effect on the environment and that the Exemption reflects Stanislaus County's independent judgement and analysis.
2. Find that the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 and order the filing of a Notice of Exemption.
3. Find that:
 - (a) That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
 - (b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
 - (c) That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
4. Approve Variance Application No. PLN2016-0067 – 1st Light Energy, subject to the attached Conditions of Approval.

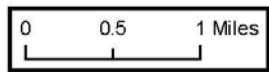
VAR PLN2016-0067
1st Light Energy
AREA MAP



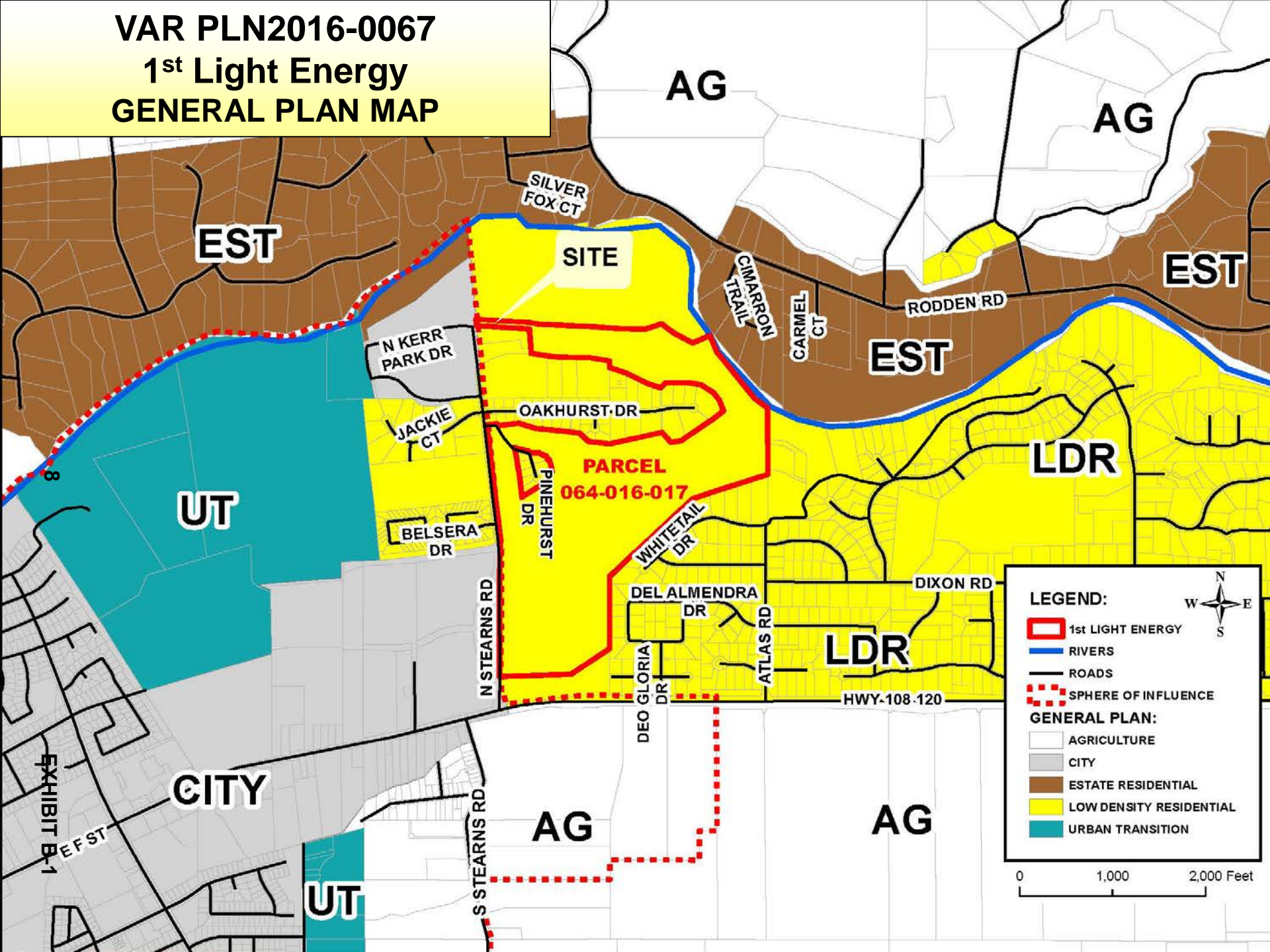
Legend:

- 1st LIGHT ENERGY
- RIVERS
- ROADS
- OAKDALE
- RIVERBANK
- SPHERE OF INFLUENCE

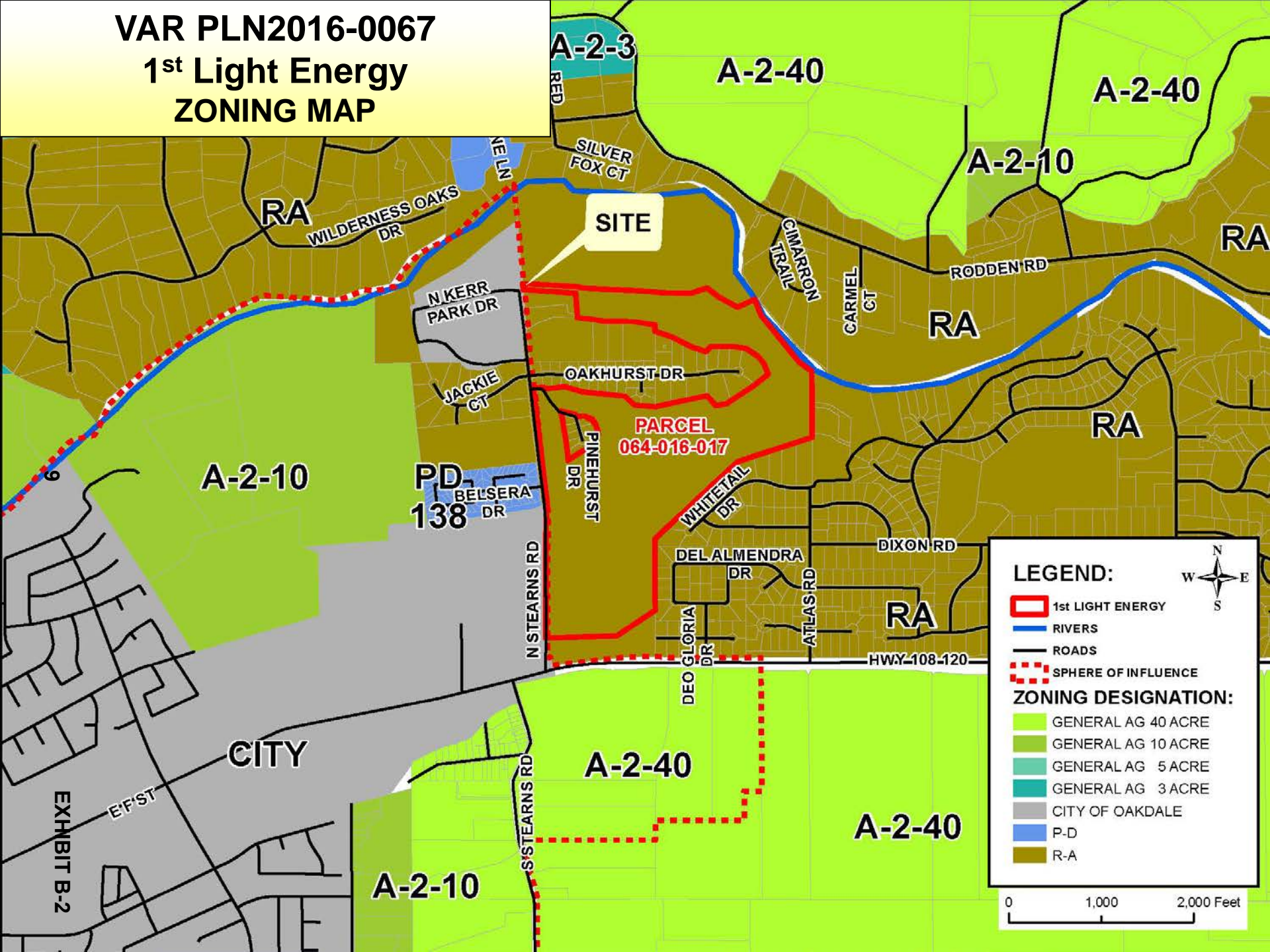
W N E
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VAR PLN2016-0067
1st Light Energy
GENERAL PLAN MAP



VAR PLN2016-0067
1st Light Energy
ZONING MAP



LEGEND:

- 1st LIGHT ENERGY
- RIVERS
- ROADS
- SPHERE OF INFLUENCE

ZONING DESIGNATION:

- GENERAL AG 40 ACRE
- GENERAL AG 10 ACRE
- GENERAL AG 5 ACRE
- GENERAL AG 3 ACRE
- CITY OF OAKDALE
- P-D
- R-A

0 1,000 2,000 Feet

EXHIBIT B-2

CITY

SITE

PARCEL
064-016-017

PD
138

A-2-3

A-2-40

A-2-40

A-2-10

A-2-10

OAKHURST-DR

PINEHURST
DR

WHITETAIL
DR

DEL ALMENDRA
DR

DIXON RD

HWY-108-120

A-2-40

A-2-40

A-2-10

N STEARNS RD

S STEARNS RD

WILDERNESS OAKS
DR

N KERR
PARK DR

JACKIE
CT

BELSERA
DR

SILVER
FOX CT

CIMARRON
TRAIL

CARMEL
CT

RODDEN RD

ATLAS RD

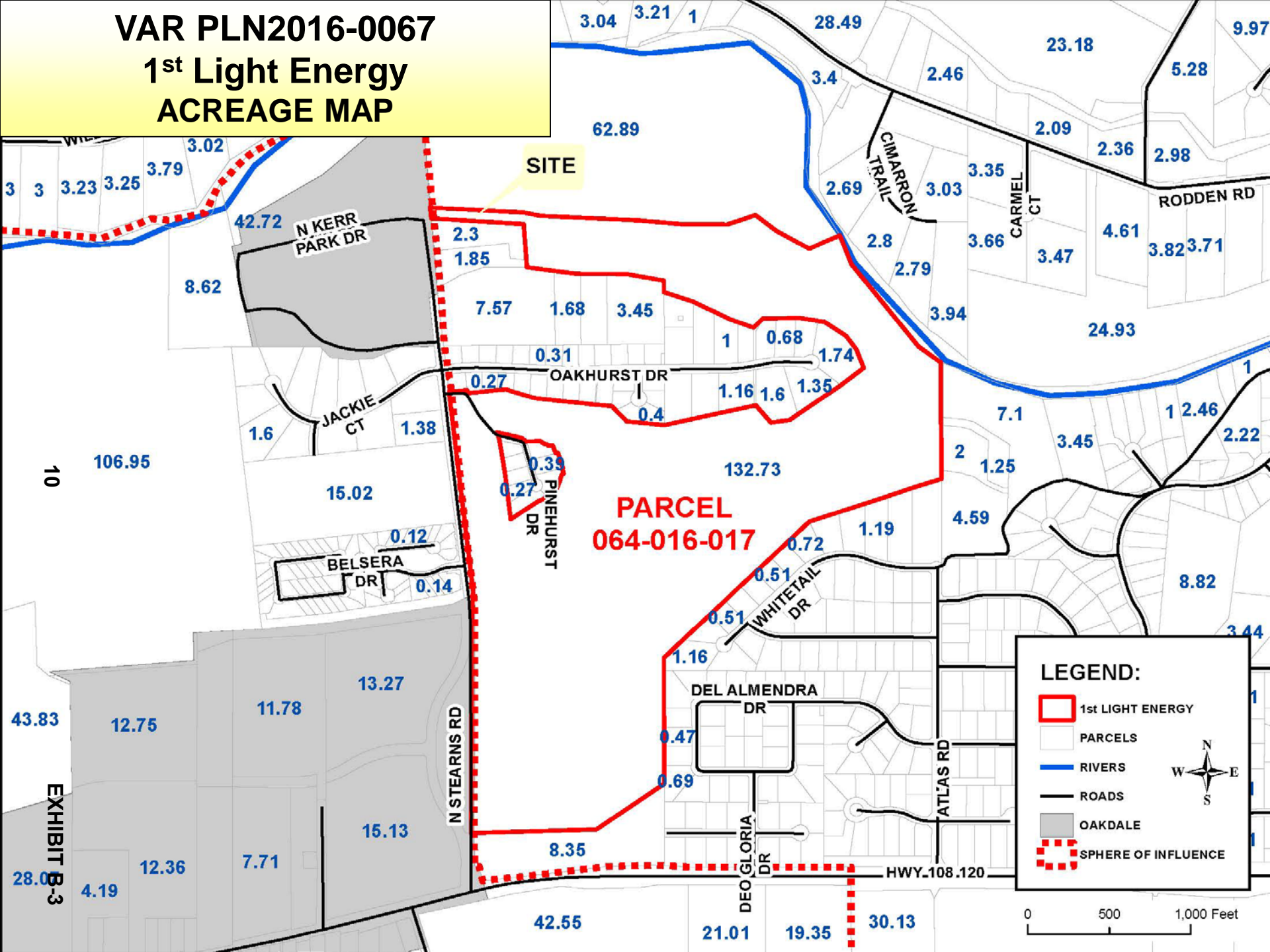
DEO GLORIA
DR

VAR PLN2016-0067
1st Light Energy
ZONING MAP

VAR PLN2016-0067

1st Light Energy

ACREAGE MAP



VAR PLN2016-0067
1st Light Energy
2015 COUNTY AERIAL



SITE

SITE

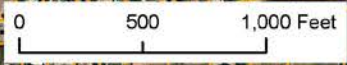
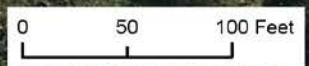


EXHIBIT B-4

VAR PLN2016-0067
1st Light Energy
2015 COUNTY AERIAL



**PROJECT
SITE**

12

EXHIBIT B-5

N KERR PARK DR



VAR PLN2016-0067
1st Light Energy
2016 GOOGLE AERIAL IMAGE



Stearns Rd 13

Kerr Park Dr

N Stearns Rd

EXHIBIT B-6

Map

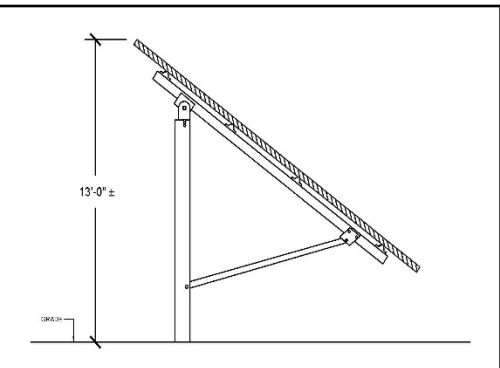
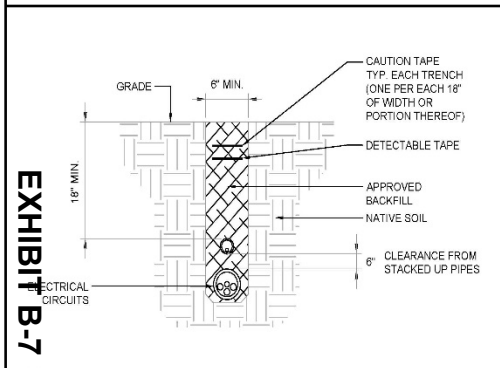
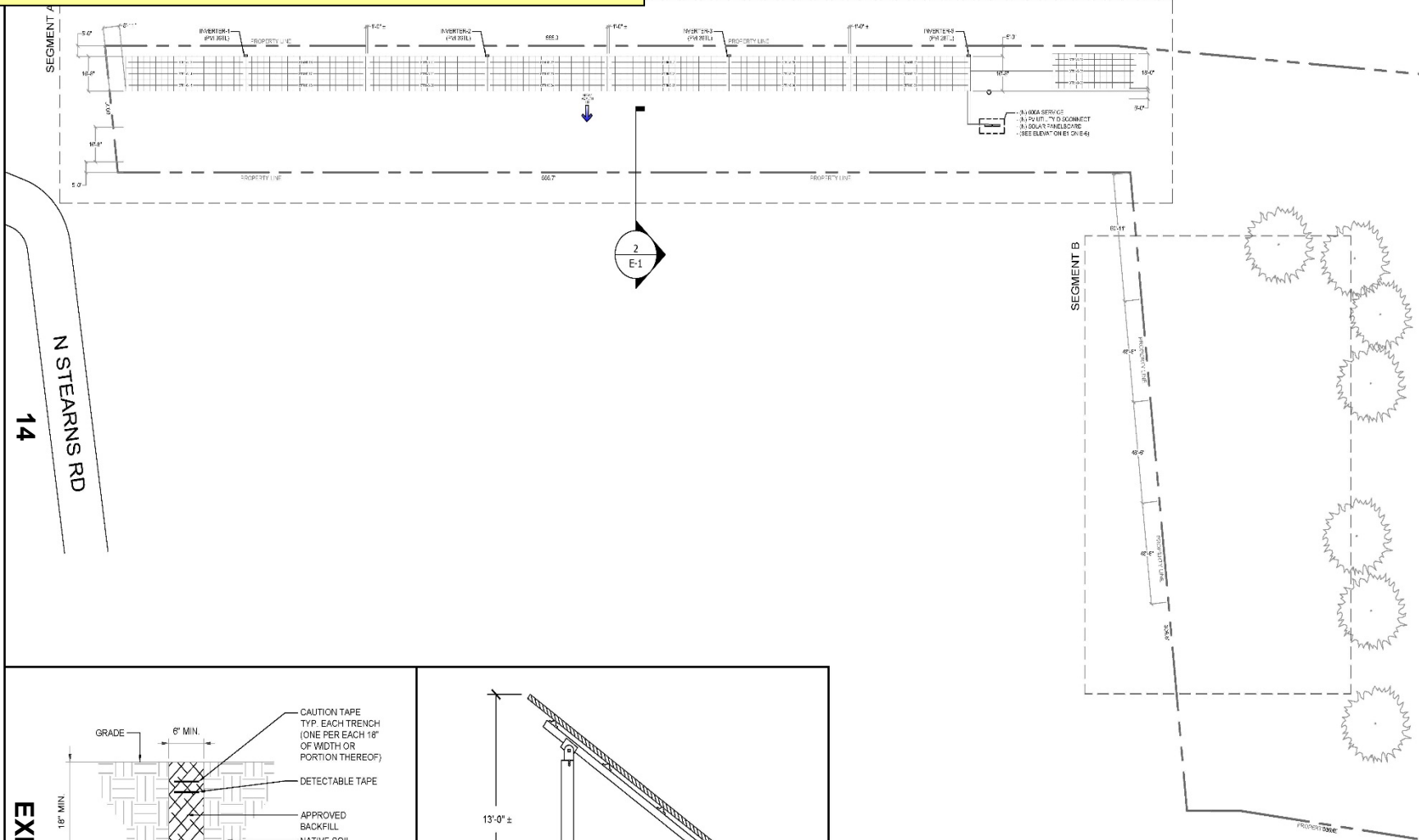
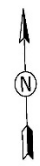
Google

VAR PLN2016-0067

1st Light Energy

SITE PLAN

1st Light Energy
 1869 MOFFAT BOULEVARD
 MANTECA, CA 95336
 T. (209) 824-5500 F. (209) 824-5575
 WWW.1STLIGHTENERGY.COM



DATE	BY	CHK	REVISION DESCRIPTION
4/18/12	AVG		ORIGINAL AT 90 %
2/11/12	BVT		AS-BUILT

JOB SITE ADDRESS:
 243 N STEARN'S RD
 OAKDALE, CA 95301

OAKDALE GOLF AND COUNTRY CLUB
 SIZE (DC): 140.9KW
 MODULE COUNT: 482
 MODULE DC RATING: 305W

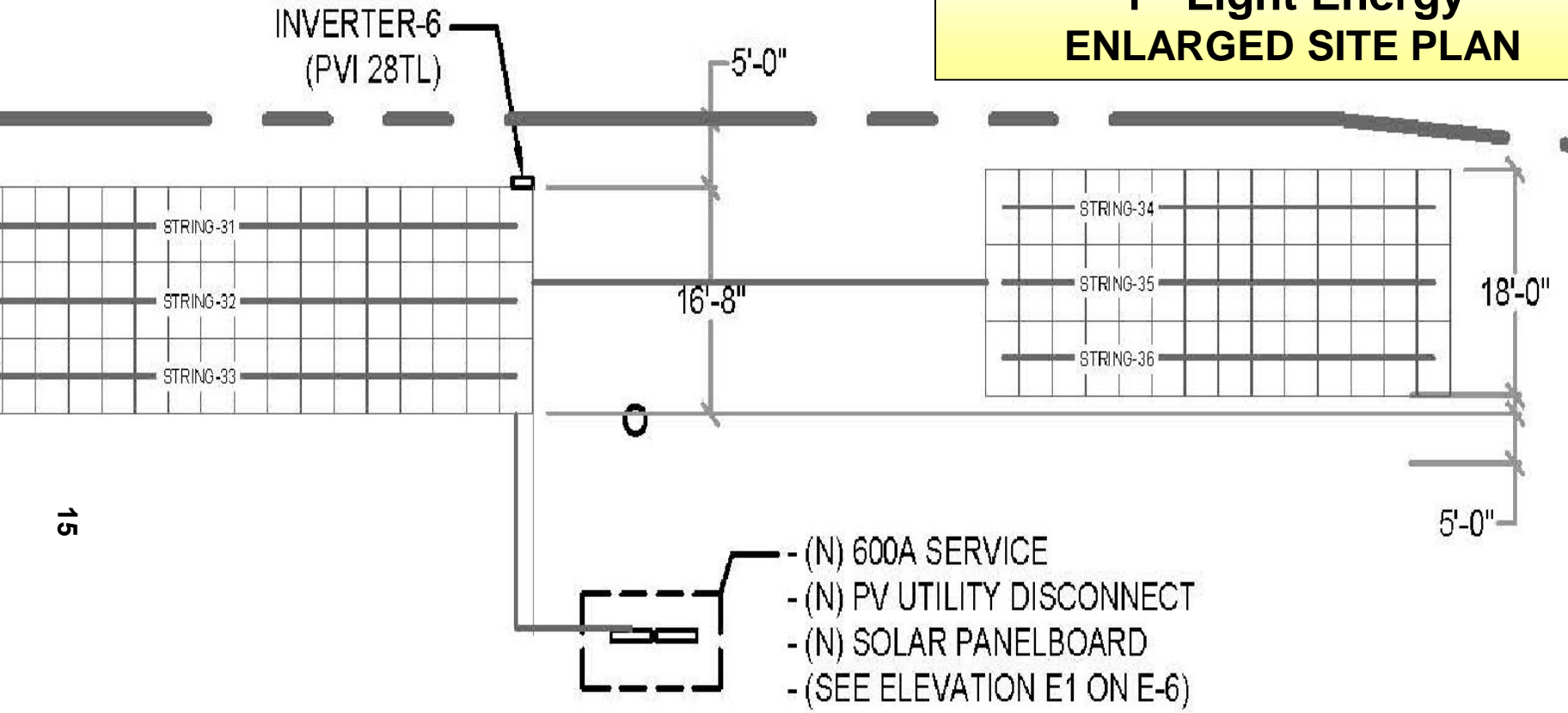
SCALE: 1/2" = 1'-0"
 OVERALL LAYOUT
 SHEET: E-2
 DATE: 10/9/2015

1 FEEDER BURIED CONDUIT SECTION

2 ARRAY SECTION

EXHIBIT B-7

VAR PLN2016-0067
1st Light Energy
ENLARGED SITE PLAN



15

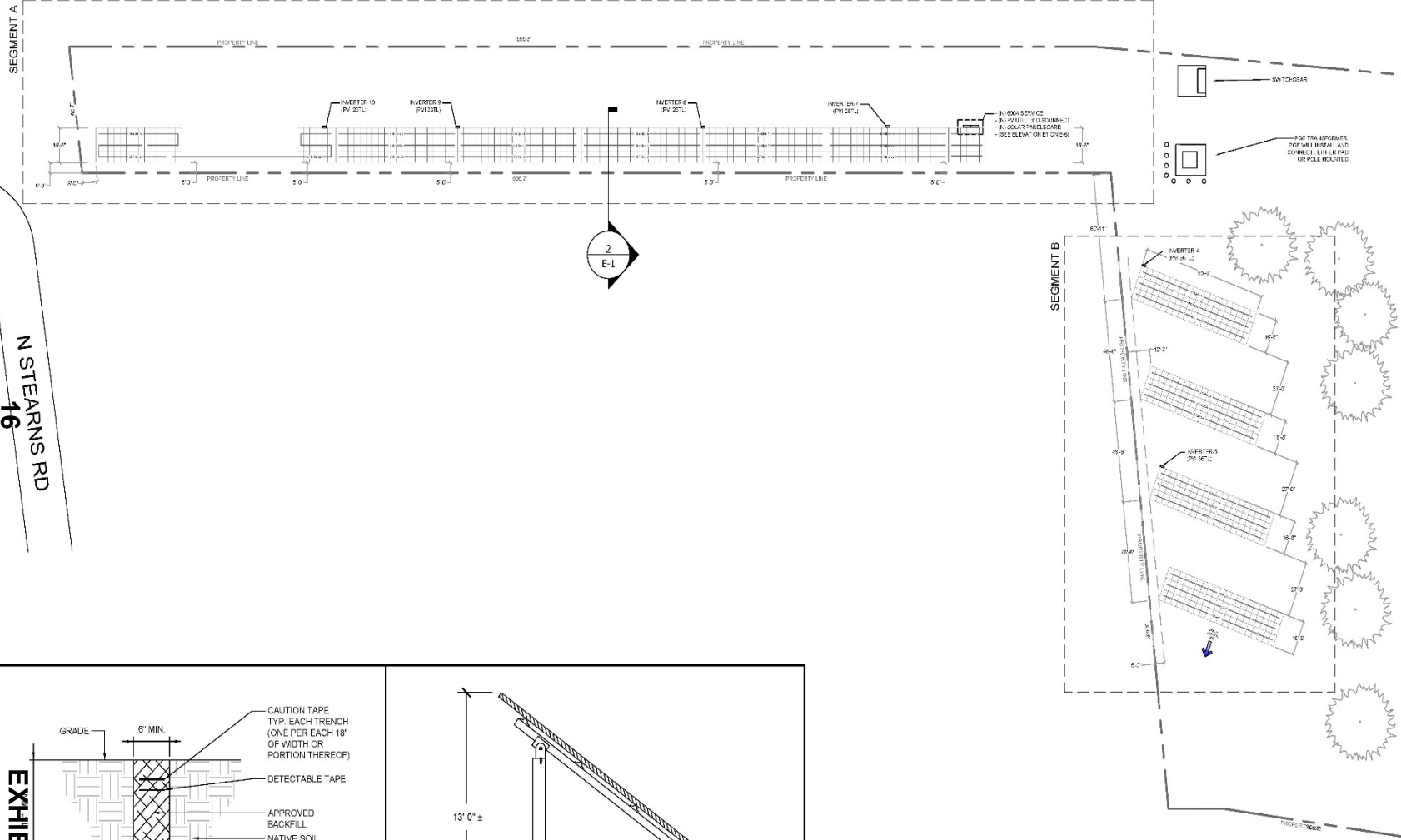
EXHIBIT B-8

VAR PLN2016-0067

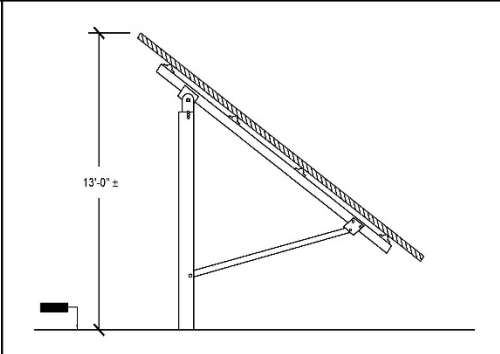
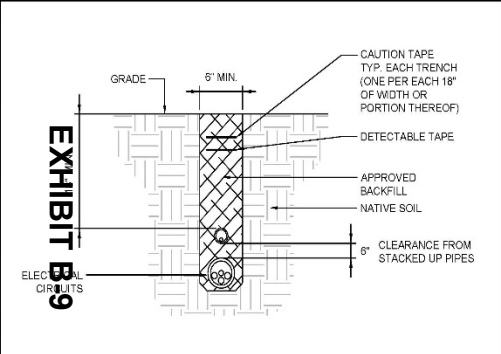
1st Light Energy

DEVELOPMENT AREA #2

1ST Light Energy
 1889 MOFAT BOULEVARD
 FOLSOM, CA 95630
 T: (209) 824-5500 F: (209) 824-5575
 WWW.1STLIGHTENERGY.COM



N STEARNS RD
 16



DATE	BY	CHK	REV	DESCRIPTION
2/1/16	AV	AV	1	ORIGINAL AT 90 %
2/1/16	BV	BV	1	AS-BUILT

JOB SITE ADDRESS:
 243 N STEARNS RD
 OAKDALE, CA 95361

OAKDALE GOLF AND COUNTRY CLUB
 SIZE (DC): 188.5KW
 MODULE COUNT: 618
 MODULE DC RATING: 305W

SCALE: 1/2" = 1'-0"
 OVERALL LAYOUT
 SHEET: E-2
 DATE: 10/9/2015

1 FEEDER BURIED CONDUIT SECTION

2 ARRAY SECTION

VAR PLN2016-0067
1st Light Energy
ARRAY SECTION

Measurement takes place at furthest point from P.L.

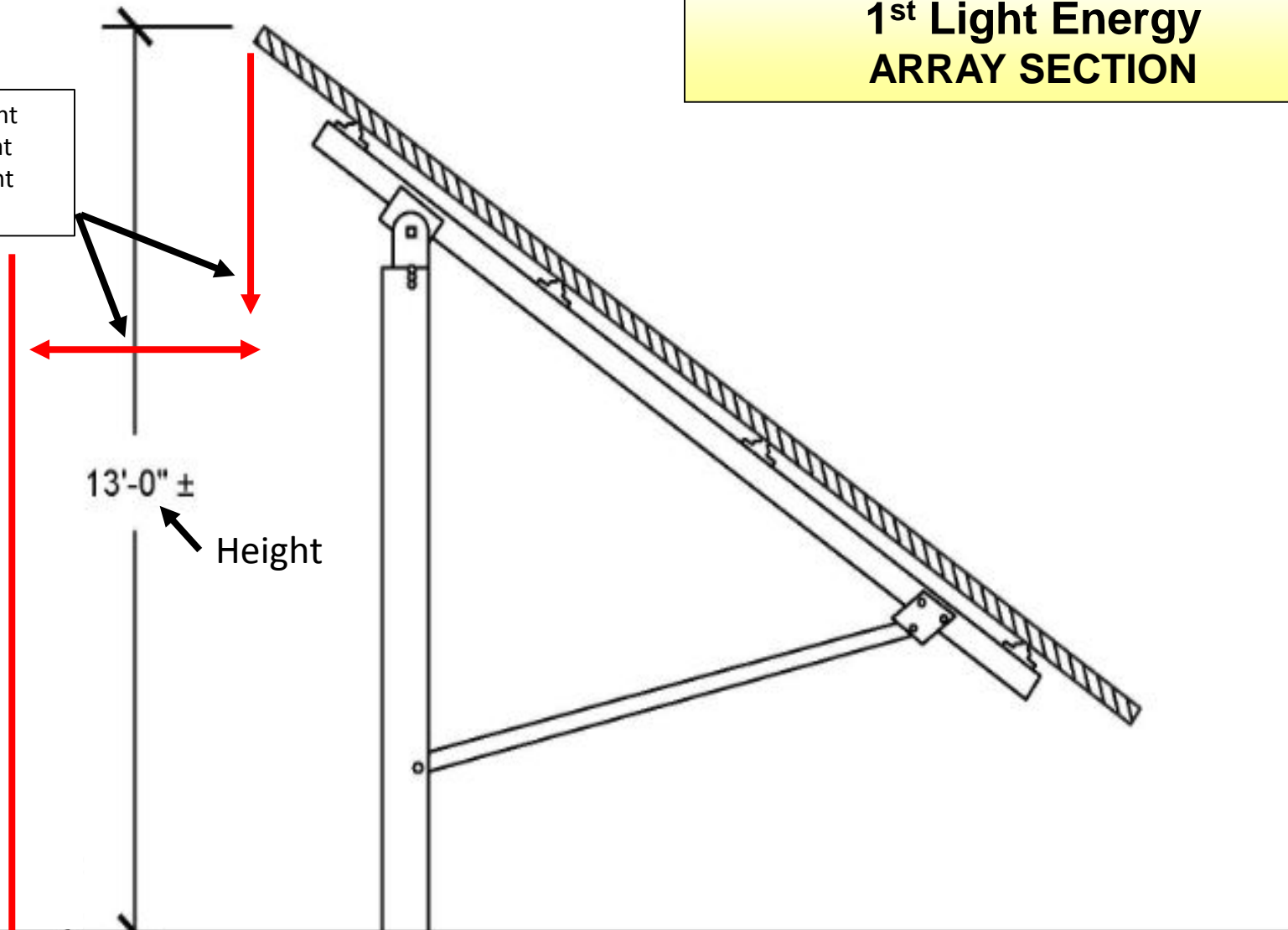
17

13'-0" ±

Height

EXHIBIT B-10

PL/Fence Line



VAR PLN2016-0067
1st Light Energy
SITE PHOTOS



18

EXHIBIT B-11

VAR PLN2016-0067
1st Light Energy
SETBACK MEASUREMENTS



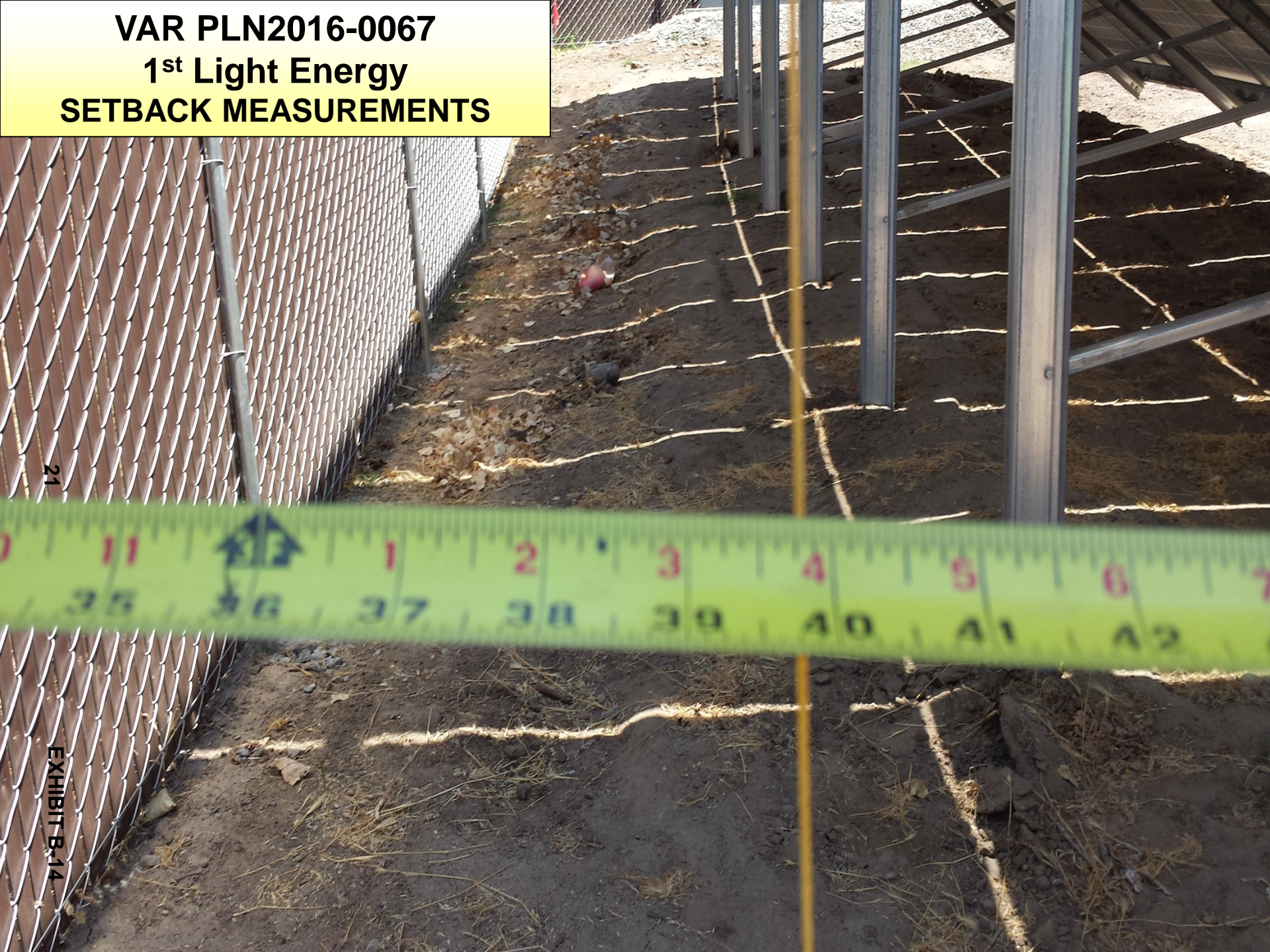
VAR PLN2016-0067
1st Light Energy
SETBACK MEASUREMENTS

20

EXHIBIT B-13



VAR PLN2016-0067
1st Light Energy
SETBACK MEASUREMENTS



21

EXHIBIT B-14

VAR PLN2016-0067
1st Light Energy
SETBACK MEASUREMENTS

22



EXHIBIT B-15

VAR PLN2016-0067

**1st Light Energy
SETBACK POST
MEASUREMENTS**



23

EXHIBIT B-16

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

**VARIANCE APPLICATION NO. PLN2016-0067
1ST LIGHT ENERGY**

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Within five days of final approval by the Planning Commission or Board of Supervisors, a \$57.00 check made payable to the "**Stanislaus County**" shall be submitted to the Department of Planning and Community Development for the purpose of recording the Notice of Exemption.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. The photovoltaic system shall remain accessory to the on-site Oakdale Golf & Country Club and shall be removed if no longer in operation. Any replacement of the system shall comply with all Zoning Ordinance standards, including setbacks, in effect at the time of replacement.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Variance Application No. PLN2016-0067 – 1st Light Energy

Applicant Information: Justin Krum 1869 Moffat Blvd. Manteca, CA, 1st Light Solar

Project Location: 243 N Stearns Road, east of the City of Oakdale, north of State Route 108/120. APN: 064-016-017.

Description of Project: Request a two foot variance from the five foot side yard setback of the R-A (Rural Residential) zoning district for the placement of a 328 KW ground mounted photovoltaic system three feet from the northern property line.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Jeremy Ballard, Assistant Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15305(a)
- Statutory Exemptions. State code number: _____
- General Exemption.

Reasons why project is exempt: Request is a setback variance for a photovoltaic system not resulting in the creation of any new parcel.

8/9/2016
Dated

Signature on file.
Jeremy Ballard
Assistant Planner

(I:\PLANNING\STAFF REPORTS\VAR\2016\VAR PLN2016-0067 - 1ST LIGHT ENERGY\PLANNING COMMISSION\AUGUST 18, 2016\STAFF REPORT\NOTICE OF EXEMPTION.DOC)



1ST Light Energy

HQ 209-824-5575 | 1stlightenergy.com | 866.83.SOLAR

1869 Moffat Boulevard, Manteca, California 95336 | F. 209.824.5575

July 10, 2016

Stanislaus County Planning
& Community Development
1010 10th St., Suite 3400
Modesto, CA 95354

Letter Requesting a Variance of the Setback

As we have worked in good faith on a solar project for the Oakdale Golf and Country Club, an issue with the 5' setback from the property line on the north side; river side of the parcel has arisen. From the beginning we worked with the county and got approval for the permit, as designed. When it came time to get the permits signed off there was an interpretation that the 5' setback had not been met on the one side at the height of 13'; the top of the panels.

In designing and engineering this project we were well aware of the 5' setback but we interpreted that the points of measurement were from the property line to the permanent structure, which would be the nearest vertical support going into the ground (see exhibit #1). We have installed in other AHJ's where our interpretation was the same as that AHJ's and have never had this issue previously. Our actual installation has these vertical piles 7' and greater from the property line (see exhibit #2). The vertical piles are the support for the solar racking, just like a roof and this is where the issue is. The rails and solar panels overhang the piles by 2'-6" at 13' high. The County Staff is seeing our overhanging solar supports and panels as part of the setback measurement, so when they measure from the property line to where the closest overhanging point is, the panels themselves are just over 4' from the property line.

After a number of discussions with County Staff we have realized that even though this has come down to an interpretation we are still at an impasse for resolution. The parcel chosen by the OGC&C is a narrow piece that served no purpose and was ideal for installing a ground mount photovoltaic system. However, because of the limited width of the land there is no way to accommodate moving the panels. The county fire is requiring that we leave them access so if we were to move the solar panels away from the property line further they would impede in the fire access. Since there is no physical option to resolve this we must request this variance. We ask that this variance be granted based on the following:

1. There is a clearance of more than 7' wide x 10' high along the entire area. This clearance allows for complete access around the solar system for servicing. We are able to drive a tractor through this entire area
2. The property line where this conflict is belongs to the City of Oakdale. The City of Oakdale has expressed that they have no issue with the location of the solar panels. This message was relayed through a conversation with the Oakdale City Manager to the county planning department.
3. There is a very vague general provision; Chapter 21.08.060 which speaks to setbacks, in which both the County and 1st Light feel can be used to support our case. Because the provision is so vague and leaves a lot to interpretation there is no clear understanding.
4. Because the solar panels are able to be easily removed and uninstalled, should the need ever arise they should not be considered part of the permanent structure or part of the setback.

We have included all the required maps and plans, along with a photo of the side in question.

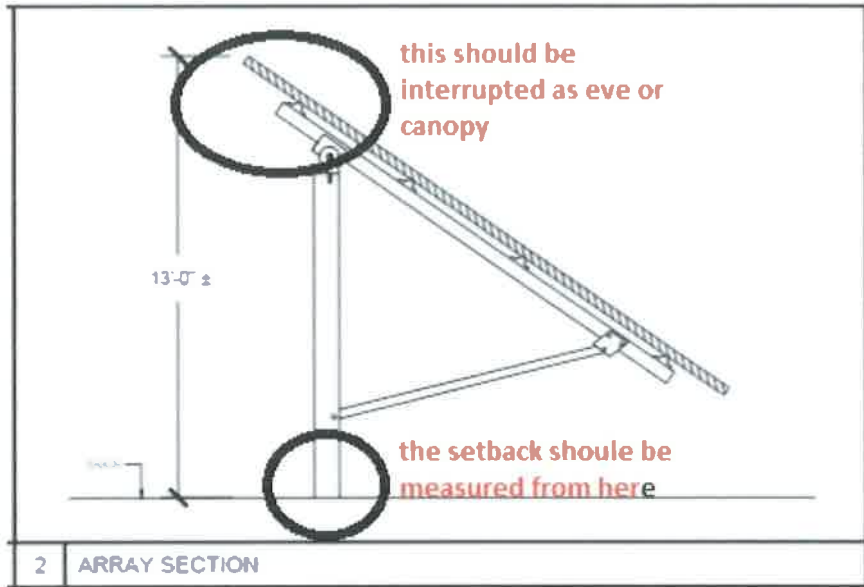
We request that you consider this a special circumstance by granting a variance for this project in this one affected area which under the circumstances does not materially affect adversely, nor causes any health or safety concerns to the surrounding neighborhood. Without this variance a significant hardship will be had by the owners and their property rights will be substantially hindered.

We appreciate your consideration,



Justin Krum
President

Exhibit 1



July 27, 2016

1st Light Energy
1869 Moffat Blvd
Manteca, CA 95336

RE: Oakdale Golf and Country Club Solar Field Installation

This letter is to certify the relationship between a newly installed fence along the property line between Oakdale Golf and Country Club (APN 064-016-017) and Porter (APN 064-010-015). On July 21, 2016 Giuliani & Kull, Inc. located property corner monuments establishing the property line between the above mentioned properties. The monuments were found to be in their true and original location. The newly installed fence along the above mentioned property line was surveyed and determined to be lying entirely upon the lands of the Oakdale Golf and Country Club. Exhibit "A" is attached for reference and illustrates the relationship between property line and fence line.

Sincerely

Kevin S. Cole
LS 8853
Giuliani & Kull, Inc.



RECORD OF SURVEY

SITUATE IN THE S.E. 1/4 OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

SCALE: 1"= 50' JULY 2016



440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF 1ST LIGHT ENERGY IN JULY OF 2016.

DATED THIS _____ DAY OF _____, 2016.

KEVIN S. COLE, L.S. 8853



COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE LAND SURVEYOR'S ACT.

DATED THIS _____ DAY OF _____, 2016.

MATHEW J. MACHADO, L.S. 9055
STANISLAUS COUNTY SURVEYOR

BY: _____, DEPUTY
LARRY FONTANA, L.S. 8504

COUNTY RECORDER'S STATEMENT

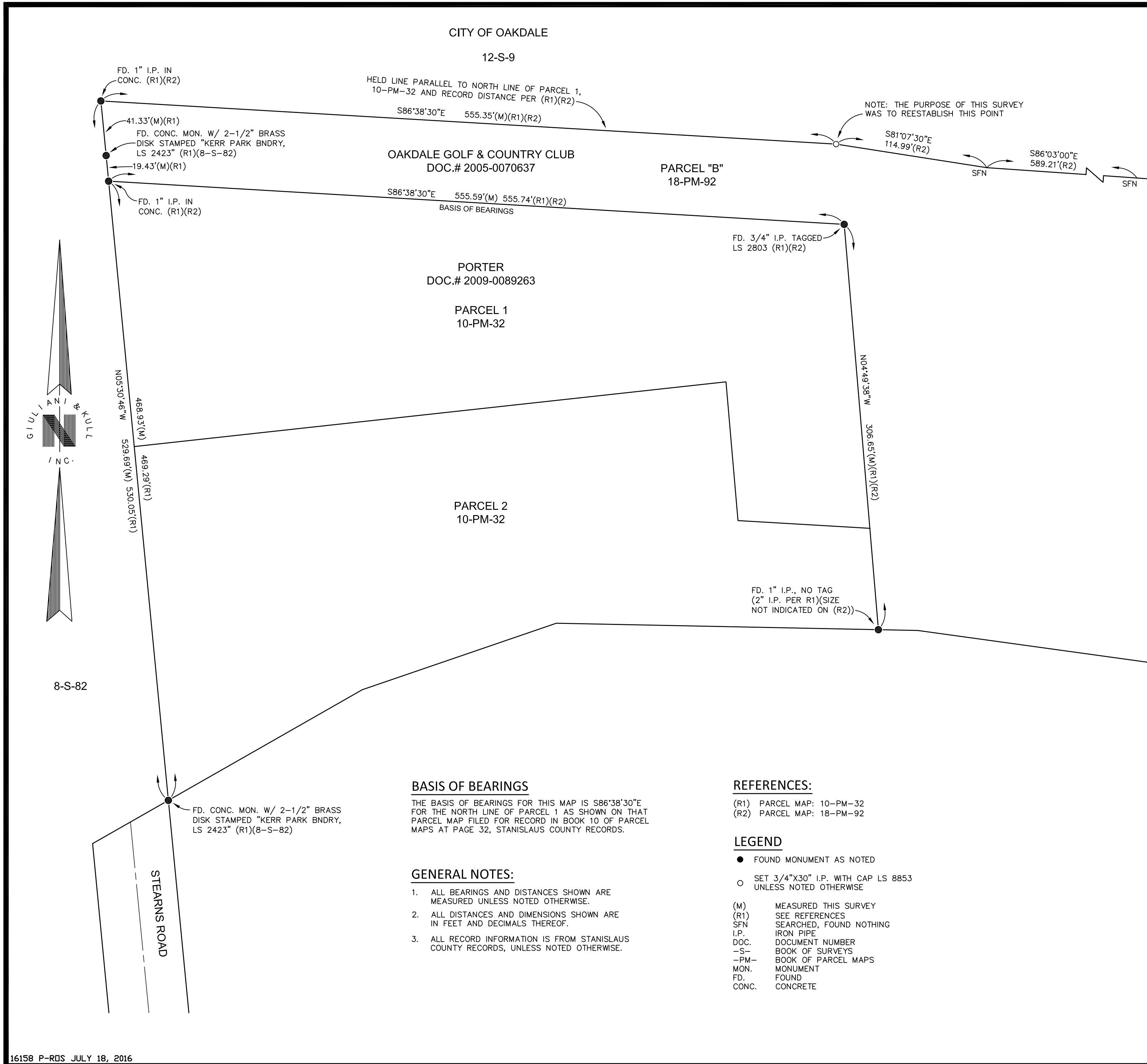
FILED THIS _____ DAY OF _____, 2016, AT _____ M.

IN BOOK _____ OF SURVEYS, AT PAGE _____, AT THE REQUEST OF GIULIANI & KULL, INC.

FEE: \$ _____

LEE LUNDRIGAN COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA
BY: _____ DEPUTY RECORDER

PRINT NAME: _____

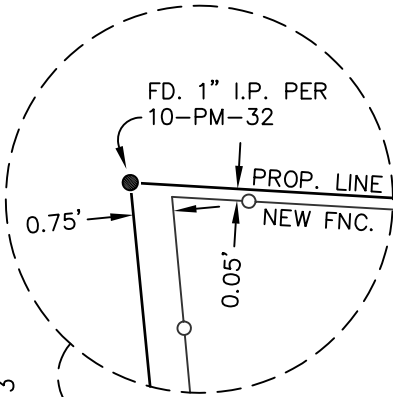


BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS MAP IS S86°38'30"E FOR THE NORTH LINE OF PARCEL 1 AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN BOOK 10 OF PARCEL MAPS AT PAGE 32, STANISLAUS COUNTY RECORDS.

- GENERAL NOTES:**
- ALL BEARINGS AND DISTANCES SHOWN ARE MEASURED UNLESS NOTED OTHERWISE.
 - ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 - ALL RECORD INFORMATION IS FROM STANISLAUS COUNTY RECORDS, UNLESS NOTED OTHERWISE.

- REFERENCES:**
- (R1) PARCEL MAP: 10-PM-32
 - (R2) PARCEL MAP: 18-PM-92

- LEGEND**
- FOUND MONUMENT AS NOTED
 - SET 3/4"X30" I.P. WITH CAP LS 8853 UNLESS NOTED OTHERWISE
 - (M) MEASURED THIS SURVEY
 - (R1) SEE REFERENCES
 - SFN SEARCHED, FOUND NOTHING
 - I.P. IRON PIPE
 - DOC. DOCUMENT NUMBER
 - S- BOOK OF SURVEYS
 - PM- BOOK OF PARCEL MAPS
 - MON. MONUMENT
 - FD. FOUND
 - CONC. CONCRETE

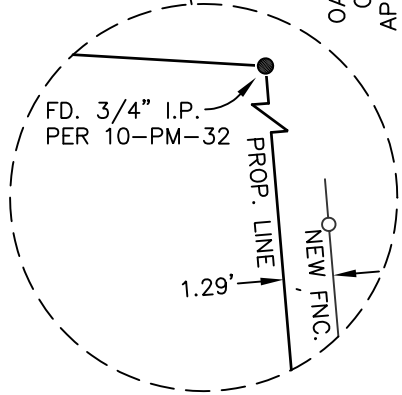
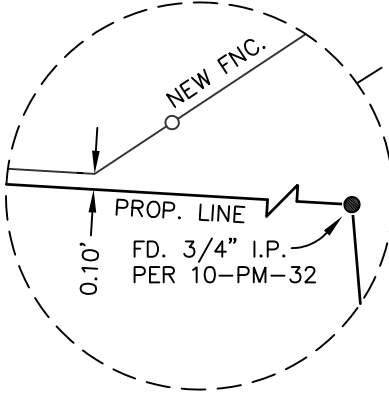
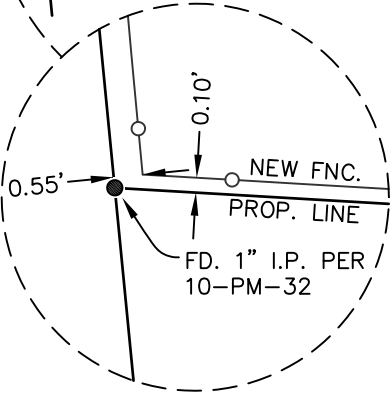


CITY OF OAKDALE
APN 064-010-017

OAKDALE GOLF &
COUNTRY CLUB
APN 064-016-017

PORTER
APN 064-010-015

OAKDALE GOLF &
COUNTRY CLUB
APN 064-016-017



SURVEYOR'S STATEMENT

THIS EXHIBIT REPRESENTS A FIELD SURVEY PERFORMED ON JULY 21, 2016 ILLUSTRATING THE RELATIONSHIP BETWEEN NEW FENCES AND PROPERTY LINES BETWEEN PORTER (APN 064-016-017) AND THE OAKDALE GOLF & COUNTRY CLUB (APN 064-010-015). PROPERTY LINES ARE BASED UPON FOUND MONUMENTS AND CALCULATED POSITIONS OF THOSE AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN BOOK 10 OF PARCEL MAPS AT PAGE 32, STANISLAUS COUNTY RECORDS.



GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors

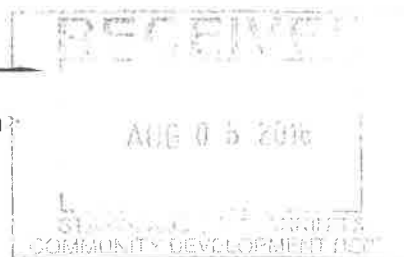
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

SCALE: 1" = 100'
DRAWN: KSC
CHECKED: KSC
JOB NO.: 16158
SHEET: 1 OF 1

EXHIBIT "A"
1ST LIGHT ENERGY
OAKDALE, CALIFORNIA

Jeremy Ballard - Re: Fwd: variance PLN 2016-0067

From: Roland Brown
To: Jeremy Ballard <ballardj@stancounty.com>
Date: 8/5/2016 11:55 AM
Subject: Re: Fwd: variance PLN 2016-0067



Thank you very much, Mr. Ballard. We neighbors do have concerns about the project:
In the event of a fire in the adjoining wilderness area, a fire truck cannot access the area;
The lack of clearance in the solar panel array creates a fire hazard;
The project has impacted wild life - deer, foxes, and other animals are no longer spotted in the area.

Thanks for your time.
Roland Brown

On Friday, August 5, 2016 11:21 AM, Jeremy Ballard <ballardj@stancounty.com> wrote:

Mr. Brown,

I am the project planner for this item, I will inform you when the report is published on our website and if needed get a copy of the report to you. Let me know if you have any questions.
Thanks.

Jeremy Ballard
Assistant Planner
Stanislaus County Planning &
Community Development
(209) 525-6330

>>> Miguel Galvez 8/5/2016 11:18 AM >>>
Jeremy,

Please handle.

Thank you.

Miguel A. Galvez
Deputy Director,
Planning and Community Development
Stanislaus County Planning
and Community Development
1010 10th St., Suite 3400
Modesto, CA 95354
(209) 525-6330
Galvezm@Stancounty.com

>>> Roland Brown > 8/5/2016 9:37 AM >>>

Dear Mr. Galvez:

I would like to request a copy of the report for the upcoming hearing on August 18 regarding the variance - PLN 2016-0067.

Thank you. Please call or e-mail if you have any questions.

Roland Brown

21.08.050 Building Site Area – Sanitary Sewers or Public Water Not Available

department of environmental resources. For other uses without sanitary sewers, and/or public water, the minimum building site shall be that established by the board of supervisors or planning commission as a condition to any use or other approval required. The minimum lot size where both sewer and water systems are available shall be six thousand square feet. (Prior code Section 9-125(c)(2)).

21.08.060 YARDS

- A. Architectural features such as cornices, eaves, and canopies may extend not exceeding three feet into any required yard.
- B. Whenever an official plan line has been established for any street, required yards shall be measured from such line, and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan lines.
- C. Uncovered porches and paved terraces may extend not exceeding three feet into any required side yard and not exceeding six feet into any required front yard.
- D. Accessory buildings which are detached or attached to the main building shall comply in all respects with the requirements of this title applicable to the main building. The accessory building shall not be located within five feet of any alley or within five feet of the side line of any adjacent lot or in the case of a corner lot to project beyond the front yard required on the adjacent lot. (C.S. 984, Section 1, 2007)
- E. Truck loading docks shall be so located that all vehicles entering or leaving the premises to load or unload may be driven in a forward direction without the necessity of the vehicle entering or leaving the premises in reverse gear, and that no portion of any such vehicle will stand or protrude on or into the public right-of-way while loading or unloading.
- F. On the following specified highways, no structure (excluding, however, open wire fences, electroliers without attached advertising signs, utility poles and solid fences or screen planting not more than three feet in height) shall be located closer to the highway center line than as indicated.
 - 1. State Highway No. 33, 95 feet from the railroad right-of-way line;
 - 2. Kiernan Avenue, between McHenry Avenue and Broadway Avenue, seventy feet;
 - 3. Santa Fe Avenue, one hundred feet from the railroad right-of-way;
 - 4. McHenry Avenue, between the City of Modesto and the Stanislaus River, seventy-five feet;
 - 5. State Highway No. 108, between McHenry Avenue and the City of Riverbank, seventy-five feet; and between the City of Riverbank and the Tuolumne County line, seventy feet.
- G. Where lots abut streets on the front and rear, and vehicle access to the street in the rear is restricted, solid fences or screen planting, not exceeding eight feet in height, may be located on the rear property line.
- H. Vision Clearance for Corner Lots. In all zones which require a front yard, no obstruction to view in excess of three feet in height shall be placed, built, parked or allowed to grow on any corner lot within a triangular area formed by the street, property lines and a line connecting

21.12.610 USE

"Use" means the purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained. (Ord. CS 106 Sec. 1 (part), 1984).

21.12.620 USE, ACCESSORY

"Accessory use" means a use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any R-A district shall be deemed to be an accessory use to the use of the property for residential purposes. (Ord. CS 106 Sec. 1 (part), 1984).

21.12.625 VEHICLE STORAGE YARD

"Vehicle storage yard" means any location consisting of parcel(s) or lot(s) where three or more vehicles (as defined by Section 670 CVC), or vessels (as defined by Section 651 of the Harbors and Navigation Code), or combinations of both, which are disabled, under repair or restoration, and/or vehicles or vessels which are not currently registered with the State Department of Motor Vehicles are stored. For purposes of this section, a vessel and a trailer designed to carry a vessel that are used together as one unit shall count as one vehicle or one vessel." (Ord. CS 759, 2001; Ord. CS 471 (part), 1991)

21.12.627 WHOLESALE AND DISTRIBUTION

"Wholesale and Distribution" means establishments engaged in selling merchandise to retailers; to commercial, industrial, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, commission merchants, assemblers, merchant wholesalers stores primarily selling electrical, plumbing, heating and air conditioning and equipment. (Ord. CS 896, Sec. 2 (part), 2004)

21.12.628 WHOLESALE RETAIL STORES

"Wholesale Retail Stores" means stores that emphasize the packing and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees. (Ord. CS 896, Sect 2 (part), 2004)

21.12.630 YARD

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward. In measuring a yard, as provided in this title, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Chapter 21.08 as not to be considered in measuring yard dimensions or being permitted to extend into any front, side, or rear yard, respectively, and the measurement shall be taken from the line of the building to the nearest lot line; provided, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this title, then the measurement shall be taken from the official plan line or the future width line to the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

21.12.640 YARD, FRONT

"Front yard" means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

21.12.650 YARD, REAR

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

21.12.660 YARD, SIDE

"Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. (Ord. CS 106 Sec. 1 (part), 1984).

21.24.060 Building site area

- B. For areas designated as residential on the land use element of the general plan, the minimum building site areas shall be as follows:
1. Sites serviced by public sewer and water facilities, eight thousand square feet,
 2. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet,
 3. Sites serviced by private well and septic tank facilities, one acre;
- C. For areas designated as estate residential on the land use element of the general plan, the minimum building site areas shall be three acres. Minimum building site areas may be determined by including internal area occupied by irrigation canals, laterals and other facilities and area up to the centerline of public roads and irrigation facilities which are located at a boundary of a parcel. (Ord. CS 344 Sec. 6, 1989; Ord. CS 106 Sec. 3 (part), 1984).

21.24.070 BUILDING SITE COVERAGE

Percentage of building site coverage permitted in R-A districts:

For aggregate buildings coverage, maximum of forty percent of lot area. (Ord. CS 106 Sec. 3 (part), 1984).

21.24.080 YARDS

Yards and open space required in R-A districts:

- A. Front yard.
1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
 2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
- B. Side Yard. Interior lot line and rear yard. Five feet;

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VARIANCE APPLICATION NO. PLN2016-0067 - 1ST LIGHT ENERGY

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CITY OF: OAKDALE			X									
FIRE PROTECTION DIST: STAN CONSILDATED FIRE DISTRICT			X									
STAN CO BUILDING PERMITS DIVISION			X									
STAN CO DER			X									
STAN CO PUBLIC WORKS			X									
STANISLAUS FIRE PREVENTION BUREAU			X									
SURROUNDING LAND OWNERS			X									