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**VIA HAND DELIVERY AND EMAIL**

Mr. Dale Rundquist  
Compliance Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

**Re: Panoche Energy Center Project (06-AFC-5C)  
Replacement Pages for Petition to Amend**

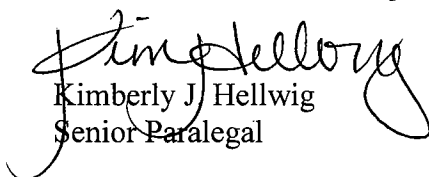
<b>DOCKET</b>	
<b>06-AFC-5C</b>	
DATE	NOV 04 2008
RECD.	NOV 05 2008

Dear Mr. Rundquist:

During review of the Land Use section of the Petition to Amend the California Energy Commission's Final Decision for the Panoche Energy Center ("Petition"), we noted a minor error in an assessors parcel number for a pertinent portion of land identified within the Petition. To that end, enclosed herein please find copies of the revised relevant page and figure (page 5-27 of the Petition and Figure 5.9-2 *Zoning Designation Surrounding Project Site*).

Should you have any questions regarding this matter, please do not hesitate to contact our office.

Respectfully submitted,

  
Kimberly J. Hellwig  
Senior Paralegal

**Enclosures**

- cc: Mr. Gary Chandler, Panoche Energy Center, LLC  
Mr. David Jenkins, Panoche Energy Center, LLC  
Mr. John A. McKinsey, Stoel Rives LLP  
Ms. Melissa A. Foster, Stoel Rives LLP  
Ms. Maggie Fitzgerald, URS Corporation

## **Panoche Energy Center**

Petition to Amend Final Commission Decision

Lettis, W. R., 1982b, Late Cenozoic stratigraphy and structure of the western margin of the central San Joaquin Valley, California: U. S. Geological Survey Open-File Report 82-526, 203 p.

### **5.8.10 Conditions of Certification**

The Proposed Substation Expansion will result in the same type and level of impacts to paleontological resources as the previously approved PEC and therefore no modifications to existing COCs are necessary.

## **5.9 LAND USE**

This section describes potential affects that the Proposed Substation Expansion may have on land use, and evaluates the potential impacts to these resources as a result of the Proposed Substation Expansion.

### **5.9.1 Affected Environment**

The affected environment of the Proposed Substation Expansion is the same as that for the approved PEC. As described in Section 3.0 of this Petition, the Proposed Substation Expansion involves 6.5 acres of land on the southwest corner of the existing Substation. The 6.5 acre Proposed Substation Expansion area would create a flag-shaped parcel of land adjacent to the previously approved PEC 2.5 acre Substation expansion area. The Proposed Substation Expansion footprint is within the same assessors parcel number as the approved PEC (~~027-060-78S~~ [027-060-81S](#)) and is currently used for agriculture, specifically pomegranate orchard.

### **General Plan and Zoning Designations**

The general plan and zoning designations for the Proposed Substation Expansion are the same as that described in the approved PEC AFC. As with the approved PEC, the Proposed Substation Expansion area is consistent with the Fresno County General Plan and zoning designation. The Proposed Substation Expansion area is designated as Agriculture by the Land Use Element of the Fresno County General Plan and has a zoning designation of AE-20, Exclusive Agriculture District (refer to Figure 5.9-2, *Zoning Designations Surrounding Project Site* and Figure 5.9-3, *Existing Land Use Surrounding Project Site*). As with the approved PEC, this land use has an unclassified conditional use for energy production in the AE Zone district.

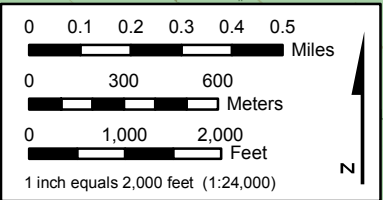
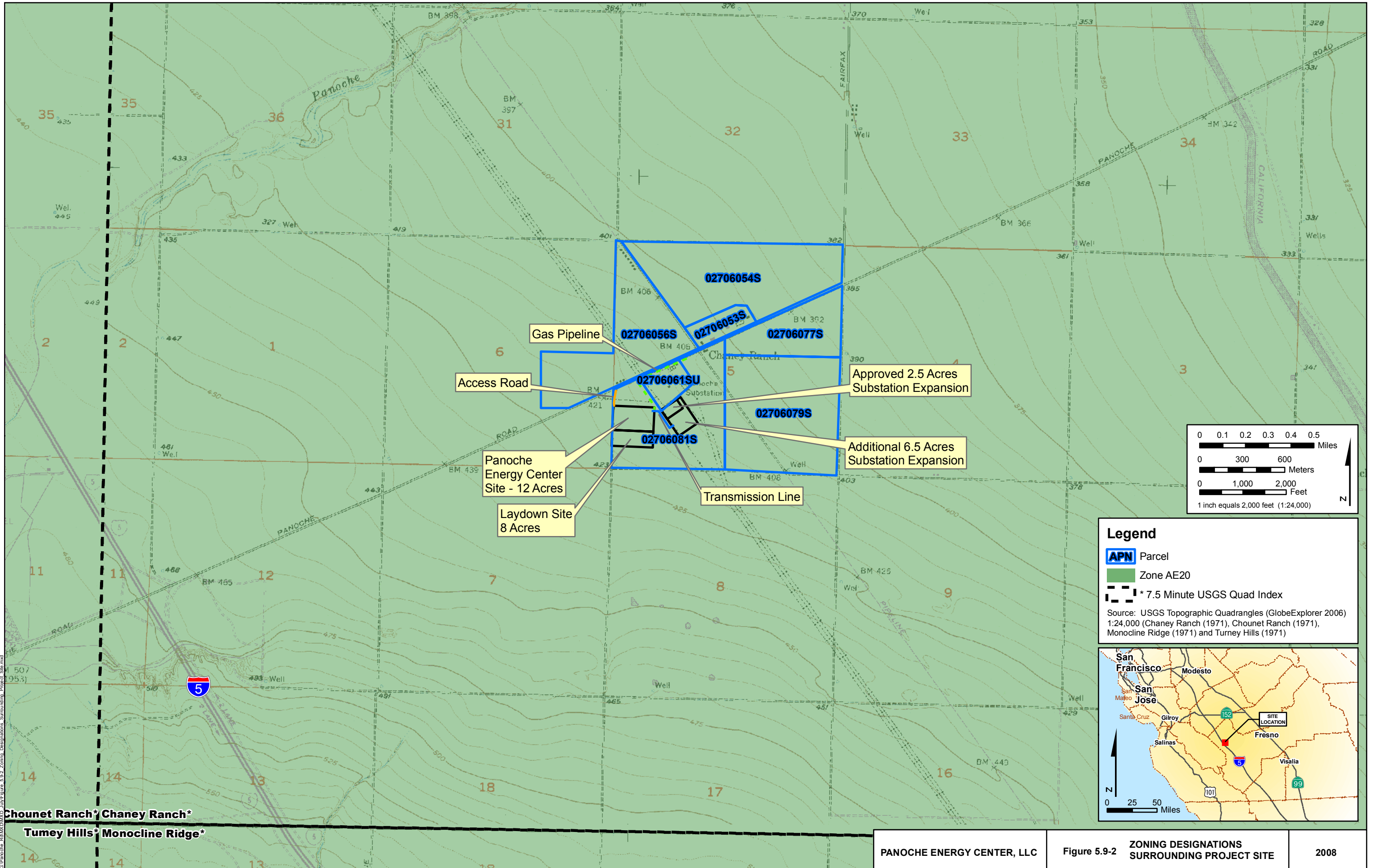
### **Williamson Act**

As discussed in Section 5.4 of this Petition, the Proposed Substation Expansion area and nearly all surrounding lands are subject to Williamson Act agricultural preservation contracts.

### **5.9.2 Environmental Consequences**

#### **General Plan and Zoning**

As stated in the Final Commission Decision for the approved PEC, Fresno County's Department of Public Works and Planning determined that the approved PEC power generating facility is consistent with the County General Plan and zoning ordinance. General Plan policy LU-A.3 allows certain non-agricultural uses in areas designated Agriculture and provides examples of uses that could be allowed. An "electrical substation" is one of the examples of allowed non-



**Legend**

- APN Parcel
- Zone AE20
- \* 7.5 Minute USGS Quad Index

Source: USGS Topographic Quadrangles (GlobeExplorer 2006) 1:24,000 (Chaney Ranch (1971), Chounet Ranch (1971), Monocline Ridge (1971) and Turney Hills (1971))



Chounet Ranch\* Chaney Ranch\*  
 Tumey Hills\* Monocline Ridge\*