

Notice of Exemption

Appendix E

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044

 County Clerk
 County of: Stanislaus
 1021 I Street, Suite 101
 Modesto, CA 95354

From: (Public Agency): West Stanislaus Irr. Dist
116 E Street
Westley, CA 95387
 (Address)

Project Title: West Stanislaus Irrigation District 4.8 AC megawatt photovoltaic solar energy farm

Project Applicant: West Stanislaus Irrigation District

Project Location - Specific:

27.4± acre portion of a 57.97± acre parcel (APN 016-025-043)

Project Location - City: Westley Project Location - County: Stanislaus

Description of Nature, Purpose and Beneficiaries of Project:

West Stanislaus Irrigation District (District), in conjunction with White Pine Solar, LLC, plans to construct, operate, and maintain a 4.9 megawatt behind the meter photovoltaic solar energy farm on a 27.4± acre portion of a 57.97± acre parcel (APN 016-025-043) (Property) in the General Agriculture (A-2-40) zoning district. The solar farm will generate power for the exclusive use of the existing District facilities, powering its main canal system, pumping station, and operations and maintenance facility on APN 016-025-042 (Project).

Name of Public Agency Approving Project: West Stanislaus Irrigation District

Name of Person or Agency Carrying Out Project: West Stanislaus Irrigation District

Exempt Status: (check one):

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


Reasons why project is exempt:

CEQA Guidelines Section 15268 states that ministerial projects are statutorily exempt from CEQA. See attachment for further explanation.

Lead Agency
 Contact Person: Robert Pierce, General Manager Area Code/Telephone/Extension: (209) 895-3733

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 10/14/25 Title: General Manager

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

ATTACHMENT TO NOE

CEQA Guidelines Section 15268 state that a Statutory Exemption can be made for ministerial projects. According to Section *CEQA Guidelines* Section 15369, "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis which projects are considered exempt from CEQA. This analysis demonstrates how the Project is eligible for a Statutory Exemption.

The Applicant has entered into a Solar Power & Services Agreement (SPSA) with a third party for construction, operation, and maintenance of a 4.8 AC megawatt photovoltaic solar energy farm to provide power for the District's existing pumping facilities and other power needs. The solar farm will generate power for the exclusive use of the District's existing facilities, powering its main canal system, pumping station, and operations and maintenance facility on APN 016-025-042.

GENERAL PLAN AND ZONING DESIGNATIONS

27.4± acre portion of a 57.97± acre parcel (APN 016-025-043) in the General Agriculture (A-2-40) zoning district.

21.20.020 PERMITTED USES - Uses permitted in the A-2 districts:

A. All **agricultural uses** not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040. . .

21.12.020 AGRICULTURE

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, aquaculture, or animal husbandry, including **all uses customarily incidental thereto** . . .

21.020.030.C.2.(j) USE PERMIT

Facilities for public utilities and communication towers require a use permit

21.08.020 USES

C. For purposes of this title, **facilities for public utilities** include, but are not limited to, electrical substations, communication equipment buildings and towers, service yards, gas regulator stations, meter lots, pumping stations which are accessory to existing gas or oil pipelines, and water wells;

The proposed Project does not fall under the definition of "facilities for public utilities" that would require a use permit. Further, the IRS has determined that the kind of solar project we are talking about in this

instance does not constitute a public utility for federal tax purposes. In addition, Government Code Section 65850.5 (b) provides:

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. **The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety.** However, if the building official of the city or county makes a finding, based on substantial evidence, that **the solar energy system could have a specific, adverse impact upon the public health and safety,** the city or county may require the applicant to apply for a use permit.

Despite this analysis, Stanislaus County planning concluded that the proposed Project is a facility for public utilities; however, under the law in order to require a discretionary use permit, the county must make the required findings, which have not been made.

GOVERNMENT CODE SECTION 53096

To confirm that no discretionary permits apply to the proposed project, pursuant to and in accordance with Government Code Section 53096, the Board of Directors of the District, by vote of four-fifths of its members, determined the Stanislaus County zoning ordinance inapplicable to the proposed project by determining, at a noticed public hearing determines by resolution, that there is no feasible alternative to its proposal. The Board also confirmed that the proposed use of the property by the local agency is for facilities related to transmission of electrical energy.

Because the district rendered Stanislaus County zoning ordinances inapplicable to the proposed Project, the County is unable to impose any discretionary requirements upon the project. The project will require a building permit, which is a non-discretionary action.

STATUTORY EXEMPTION APPLICABILITY

Article 18 of the *CEQA Guidelines* describes the exemption from CEQA granted by the California Legislature, which are referred to as Statutory Exemptions. Pursuant to *CEQA Guidelines* Section 15268, this includes ministerial projects. The determination of what is ministerial “can most appropriately be made by the particular public agency involved based upon its analysis of its own laws.” In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the issuance of building permits and business licenses as well as the approval of final subdivision maps and individual utility service connections and disconnections are presumed to be ministerial (*CEQA Guidelines* Section 15268[b]).

Based on the analysis presented herein, the Project meets all criteria to be Statutorily Exempt from CEQA pursuant to *CEQA Guidelines* Section 15268. Therefore, it is concluded pursuant to *CEQA Guidelines* Section 15268 that the Project is ministerial and thus exempt from further CEQA analysis.