

KINGS COUNTY PLANNING COMMISSION

**Regular Meeting
7:00 P.M.**

**Government Center
Hanford, California**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Agency at (559) 852-2680 by 4:00 p.m. on the Thursday prior to this meeting. Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California.

AGENDA August 5, 2024

This meeting will be held in the Board of Supervisors Chambers, Administration Building No. 1, Kings County Government Center, 1400 W. Lacey Boulevard, Hanford, California. Pursuant to California Government Code Section 65009, subdivision (b), if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

I. CALL TO ORDER - Kings County Planning Commission Meeting

- 1. REQUEST THAT CELL PHONES BE TURNED OFF**
- 2. PLEDGE OF ALLEGIANCE**
- 3. SUMMARY OF THE AGENDA – Staff**
- 4. UNSCHEDULED APPEARANCES**

Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.

- 5. APPROVAL OF MINUTES - Meeting of June 3, 2024.**

II. OLD BUSINESS - NONE

III. NEW BUSINESS-

1. **MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 20-02 (WESTLANDS GRAPE SOLAR)** – The applicant is proposing to amend a previously approved Conditional Use Permit for a 250 megawatt (MW) commercial solar photovoltaic facility with batter storage to allow for the following modifications, located at 24770 Nevada Ave., Stratford, Assessor’s Parcel Numbers 026-320-017, -020, -021, -025, -026, -027, -028, 026-330-032, -033, -034, -035, -036, -037, -055, & -057. Modification One is to exchange 640 acres with the previously approved Westlands Cherry Solar project (Conditional Use Permit No. 22-05). Modification Two proposes to relocate the substation and project operations area approximately 0.9 mile north. Modification Three proposes to include a 120’ x 80’ steel storage building for spare parts to be located in the project operations yard.

- A. Staff Report
- B. Public Hearing
- C. Decision: Adopt Resolution No. 24-06 – Roll Call Vote

2. **MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 22-05 (WESTLANDS CHERRY SOLAR)** – The applicant is proposing to amend a previously approved Conditional Use Permit for a 250 megawatt (MW) commercial solar photovoltaic facility with battery storage to allow for the following modifications, to be located at 24924 Nevada Ave., Stratford, Assessor’s Parcel Numbers 026-300-034, 026-320-006, -010, -011, -017, -020, -021, -022, -023, -024, & 026-330-037. Modification One proposes to exchange 640 acres with the previously approved Westlands Grape Solar project (Conditional Use Permit No. 20-02). Modification Two proposes to relocate the substation and project operations area approximately 1.1 miles east. Modification Three proposes to include a 120’ x 80’ steel storage building for spare parts to be located in the project operations yard.

- A. Staff Report
- B. Public Hearing
- C. Decision: Adopt Resolution No. 24-07 – Roll Call Vote

IV. MISCELLANEOUS

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Monday, September 9, 2024.
2. **CORRESPONDENCE**
3. **STAFF COMMENTS**
4. **COMMISSION COMMENTS**

V. ADJOURNMENT

**KINGS COUNTY PLANNING COMMISSION
MINUTES**

District 1 Commissioner – Riley Jones*

District 2 Commissioner – April Bryant**

District 3 Commissioner – William Lynch

District 4 Commissioner – Jim Maciel

District 5 Commissioner – Steven Dias

*Chairman

**Vice-Chairman

June 3, 2024

CALL TO ORDER: A meeting of the Kings County Planning Commission was called to order by Chairman Jones at 6:59 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

COMMISSIONERS PRESENT: Riley Jones, April Bryant, Jim Maciel, William Lynch, Steven Dias

COMMISSIONERS ABSENT: None

STAFF PRESENT:

Chuck Kinney – Director
Alex Hernandez – Deputy Director
Yesenia Kharufeh – Planner
Zachary Adams – Legal Counsel

VISITORS PRESENT:

Jami Holloway, Blaine Holloway, Brett Blanks, Diljot Sidhu, Brenda Lopez

SUMMARY OF THE AGENDA: Mr. Kinney summarized the agenda for the Commission. He advised that the item listed under New Business, Conditional Use Permit No. 22-06 (Thomas Compost) be removed from the agenda due to comments received and additional review being needed. Chairman Jones inquired about the timeframe for reports and comments. Mr. Kinney provided explanation as it applied to CUP 22-06.

**UNSCHEDULED
APPEARANCES:**

Jami Holloway spoke in favor of Development Code Text Change 668.18. She provided positive feedback and information regarding risks mentioned in a previous meeting. She also spoke on the benefits of the text change to the community.

Blaine Holloway spoke in favor of Development Code Text Change 668.18.

Brett Blanks spoke in favor of Development Code Text Change 668.18. He spoke on the benefit to the County and the difficulties faced when attempting to get concrete currently in the County.

Dijot Sidhu spoke in favor of Development Code Text Change 668.18. He spoke on the benefits to the County.

Brenda Lopez stated she spoke at the last meeting regarding Development Code Text Change 668.18 and wanted to add the comparison of what this item entails in comparison to her previous application with the County for a variance of 1-foot.

APPROVAL OF MINUTES:

A motion was made and seconded (Maciel/Lynch) to approve the minutes of the May 6, 2024 meeting. Motion carried unanimously with five in favor.

OLD BUSINESS:

- 1. DEVELOPMENT CODE TEXT CHANGE NO. 668.18** – Yesenia Kharufeh provided the staff report for an applicant proposal for Amendment of Article 6, Section 603, Table 6-1 of the Kings County Development Code to allow the operation of a short pour concrete system and the rental of portable cement mixers to the public, with a limit of three (3) cubic yards in concrete weight capacity and a maximum noise level of 60 decibels at the property lines, in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit. The approval of Development Code Text Change No. 668.18 is exempt from CEQA review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (CEQA Guidelines). She also provided a review of item activity during the May 6, 2024 meeting. She continued with review of options available for the Commission is deciding the action to take on the item. Ms. Kharufeh recommended the Commission recommend approval of Development Code Text Change 668.18 to the Board of Supervisors and adopt Resolution 24-04.

Commissioner Lynch inquired of further details regarding discretionary permit. Mr. Kinney provided further explanation of the definition and requirements for discretionary and nondiscretionary permit types.

Commissioner Maciel asked Brenda Lopez to elaborate on her comments during unscheduled appearances. She explained the circumstance surrounding her comments. Chairman Jones asked for further clarification on the comparison of Ms. Lopez's project and the current agenda item.

Chairman Jones asked Jami Holloway if the information provided in the agenda packet was similar to their potential project, which prompted the application for the text change, to which Mrs. Holloway responded yes. Commissioner Bryant inquired of hours of operation and Mrs. Holloway provided explanation. Brandon Holloway provided additional clarification regarding potential nuisance associated with their potential project.

Chairman Jones asked for more information regarding the road around the Holloway project. He stated due to traffic and types of businesses, he would recommend the Holloways cover the cost of a public street sign acknowledging that there is not a thru street. Mr. Kinney advised that the matter at hand was not the individual project but the text change; therefore, the Commission would not be able to condition any specific projects under the text change. Chairman Jones and Commissioner Bryant inquired of specifics of the options available. Mr. Kinney provided clarification. Mr. Holloway provided additional information about their potential project.

Commissioner Lynch asked about timeframes for conditional use permits. Mr. Kinney provided explanation.

Brandon Holloway asked about the difference between a site plan review and a conditional use permit. Mr. Kinney provided further information.

Commissioner Lynch asked of the options presented to the Board of Supervisors. Mr. Kinney provided explanation of the options provided to the Commission and the process as it is presented to the Board of Supervisors.

A motion was made and seconded (Lynch, Dias) to recommend approval of Development Code Text Change 668.18 and recommend option #1 of Resolution 24-04 to the Board of Supervisors. Motion carried with four in favor and one opposed (Bryant).

NEW BUSINESS:

None

- 1. FUTURE MEETINGS:** The next meeting of the Planning Commission is scheduled for Monday, July 1, 2024.
- 2. CORRESPONDENCE:** None
- 3. STAFF COMMENTS:** None
- 4. COMMISSION COMMENTS:** None

ADJOURNMENT – The meeting was adjourned at 7:42 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION

A handwritten signature in cursive script, appearing to read "Chuck Kinney".

Chuck Kinney, Commission Secretary

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Modification No. 1 to Conditional Use Permit No. 20-02 August 5, 2024

APPLICANT: Westlands Grape, LLC, Robert G. Dowds, Manager
4700 Wilshire Boulevard, Los Angeles, CA 90010

PROPERTY OWNER: Westlands Water District
286 W. Cromwell Ave., Fresno, CA 93711

Lincoln Grantor Farms, LLC
1306 W. Herndon #101, Fresno, CA 93711

Westlands Grape, LLC
4700 Wilshire Boulevard, Los Angeles, CA 90010

LOCATION: The proposed project is an approximately 1,759-acre site located on the north side of Nevada Avenue, west of State Route 41, south of the Manteca Avenue alignment, and east of 28th Avenue. The southern boundary of the project fronts onto Nevada Avenue, and the 25th Avenue alignment bisects the project from north to south. The proposed project, as modified, is to be located at 24770 Nevada Avenue, Stratford, Assessor's Parcel Numbers 026-320-017, -020, -021, -025, -026, -027, -028, 026-330-032, -033, -034, -035, -036, -037, -055, and -057.

GENERAL PLAN DESIGNATION: Exclusive Agriculture (AX) (eastern 519.19 acres) & General Agriculture – 40 Acre (AG-40) (remaining 1,240 acres)

ZONE DISTRICT CLASSIFICATION: General Agriculture – 40 Acre Minimum (AG-40)

CONDITIONAL USE PROPOSED: The applicant proposes to modify previously approved Conditional Use Permit No. 20-02 (Westlands Grape Solar Project) for the construction, operation, maintenance, and decommissioning of a 250 megawatt commercial solar photovoltaic facility with battery storage, as follows: (1) revise the external boundaries of the Westlands Grape Solar Project by equally exchanging 640 acres with the previously approved Westlands Cherry Solar Project adjacent to the west; (2) revise the location of the project operations area to a site located approximately 0.9 miles north; and (3) include an approximately 9,600 square foot steel building for the storage of spare parts in the project operations area.

DISCUSSION:

On June 7, 2021, the Kings County Planning Commission approved Conditional Use Permit (“CUP”) No. 20-02 (Westlands Grape Solar Project) by adopting Resolution No. 21-02. CUP No. 20-02 was approved to develop a 250 megawatt (MW) photovoltaic solar energy generating facility with battery storage to be constructed on approximately 1,759 acres of agricultural land. The Grape Solar Project site is located within the Westlands Solar Park (WSP), a master planned solar complex covering approximately 20,938 acres in west-central Kings County. The WSP Master Plan and Gen-Tie Corridors Plan was prepared by the Westlands Water District (WWD) to provide policy guidance for the reuse of retired farmlands owned by WWD, which comprise approximately half of the Master Plan area.

The solar generation from the Grape Solar Project is planned to be conveyed to the State’s electrical grid via an approximately 15-mile-long gen-tie line extending west to the Gates Substation on Jayne Avenue in Fresno County. The 8.7-mile-long Kings County segment of the gen-tie line was previously approved by the Kings County Planning Commission as part of the Aquamarine Solar Project and Gen-Tie Line (CUP No. 17-04). This gen-tie line is intended to serve the Grape Solar Project as well as other solar projects within the Westlands Solar Park Master Plan area.

The elements of the proposed CUP modification are described in detail below:

1. Exchange of Lands with Westlands Cherry Solar Project

The approved Grape Solar Project is located on a 1,759.19-acre site located on the north side of Nevada Avenue between State Route 41 and 25th Avenue. The proposed modification would revise the external boundaries of the Grape Solar Project by way of equal exchange of acreage with the approved Cherry Solar Project adjacent to the west. This would transfer 640 acres from the Grape Solar Project to the Cherry Solar Project and transfer 640 acres from the Cherry Solar Project to the Grape Solar Project. The total gross area of the Grape Solar Project would remain the same as the originally approved CUP acreage at 1,759.19 acres.

Grape Solar – CUP Modification – Revised APNs and Acreage Breakdown

[CUP No. 20-02 – Approved June 7, 2021]

APN	Approved Grape CUP Acreage	Acres Exchanged with Cherry Solar		Modified Grape CUP Acreage
		To Cherry	From Cherry	
026-320-010	160	-160	--	0
-011	160	-160	--	0
-017	0	--	+160	160
-020	0	--	+480	480
-021	80	-57	--	23
-022	80	-80	--	0
-023	80	-80	--	0
-024	80	-80	--	0
-025	80	--	--	80
-026	80	--	--	80
-027	80	--	--	80
-028	80	--	--	80
026-330-032	6.51	--	--	6.51
-033	80	--	--	80
-034	137.52	--	--	137.52
-035	80	--	--	80
-036	40	--	--	40
-037	80	-23	--	57
-055	219.29	--	--	219.29
-057	155.87	--	--	155.87
Totals	1,759.19	-640	+640	1,759.19

2. Planned Change in Location of the Project Operations Center

On the approved CUP No. 20-02 site plan for the Grape Solar Project, the project operations center, including the project substation, Operations & Maintenance (O&M) facility, and 250-MW battery storage facility, was planned to be located on an approximately 10-acre site on the north side of Nevada Avenue, east of 25th Avenue.

The modification proposes to revise the location of the project operations center to a site located approximately 0.9 miles north to the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment. No changes to the size or composition of the operations center are proposed. Under the modified plan, the previously approved site of the operations center would be utilized for solar arrays equal to the area of solar arrays previously planned for the revised location of the operations center. Therefore, there would be no change in size of the solar collection fields or in any of the construction details related to the solar collection fields.

3. Planned Addition of Steel Storage Building

Approved CUP No. 20-02 for the Grape Solar Project does not include any storage buildings. The modification proposes to add a steel building for the storage of spare parts. The steel storage building would be located in an open area of the O&M yard and would have a floor area of approximately 9,600 square feet with dimensions of 120 feet by 80 feet.

All other aspects of the Grape Solar Project, such as construction and operational details, have not changed from the descriptions contained in the 2021 Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2021030459) that was adopted by the Kings County Planning Commission when CUP No. 20-02 was approved on June 7, 2021.

California Environmental Quality Act (CEQA) Guidelines Section 15164

California Environmental Quality Act & CEQA Guidelines Section 15164, found in the California Code of Regulations, allows for an Addendum to an approved IS/MND to be prepared when minor technical changes or additions are necessary and if the Addendum does not meet any of the requirements stated in Section 15162 for the preparation of a supplemental EIR or Negative Declaration. The Environmental Review section of this Staff Report, presented subsequently, sets forth the detailed requirements of Section 15162 and explains how the conditions which would require the preparation of the CEQA documents other than an Addendum are not present in this case.

The proposed Modification No. 1 to CUP 20-02 provides for minor changes to the Grape Solar Project to allow for an equal exchange of acreage between the Grape Solar Project and the previously approved Cherry Solar Project, a revised location for the project operations area, and the addition of a steel storage building to the project operations area. The solar generation and battery storage system capacity would remain unchanged at 250 MW. The equal exchange of acreage between the Grape Solar Project and the Cherry Solar Project will leave both solar sites at their originally approved gross acreage (Grape Solar Project – 1,759.19 acres and Cherry Solar Project – 2,079.1 acres). The relocation of the project operations center would not detract from the solar collection fields because the solar arrays that will be displaced by the relocated operations center will be moved to and occupy the original location of the operations center. Besides the addition of the 9,600 square foot steel storage building for spare parts, there will be no substantial changes to the Project infrastructure, construction, maintenance, use, or decommissioning as described in the IS/MND. The modified Project will remain consistent with the approved CUP and will continue to be subject to the same Conditions of Approval and Mitigation

Measures as previously approved by the Kings County Planning Commission, except for those Conditions that have been slightly revised and updated for consistency with current County practices.

The modified Project would not result in any effects to environmental resources that are more severe than those described in the approved IS/MND. All Mitigation Measures and Conditions associated with the original Project would be applied to the modified Project. As is the case with the approved Project, the modified Project would have a less-than-significant impact on Aesthetics, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. As is the case with the approved Project, the modified Project would have a less-than-significant impact with the implementation of the approved mitigation identified for Agriculture & Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation, and Tribal Cultural Resources.

As required by CEQA Guidelines Section 15162, the County has evaluated circumstances surrounding each of these environmental topics in Addendum No. 1 to the IS/MND on Modification No. 1 to CUP 20-02 for the Grape Solar Project. The Mitigation Monitoring and Reporting Program (“MMRP”) is attached to Planning Commission Resolution No. 24-06 as Exhibit “A”.

CURRENT USE OF SITE:

Historically, the Project Site has been used for the cultivation of crops such as tomatoes, cotton, and wheat. In recent years, the Site has been cultivated for winter wheat and left fallowed seasonally. Several former agricultural irrigation canals and ditches run alongside and within the Project Site, but these are no longer used and are also dry.

The unimproved 25th Avenue alignment transects the central portion of the Project Site, and the 70-kV Henrietta to Tulare Lake sub-transmission line runs through the middle of the Site from north to south along the 25th Avenue alignment. Two agricultural water distribution pipelines owned and operated by WWD traverse the Project Site from west to east. There are no buildings, sheds, wells, or other structures on the Grape Solar Project Site.

LAND USE

SURROUNDING SITE:

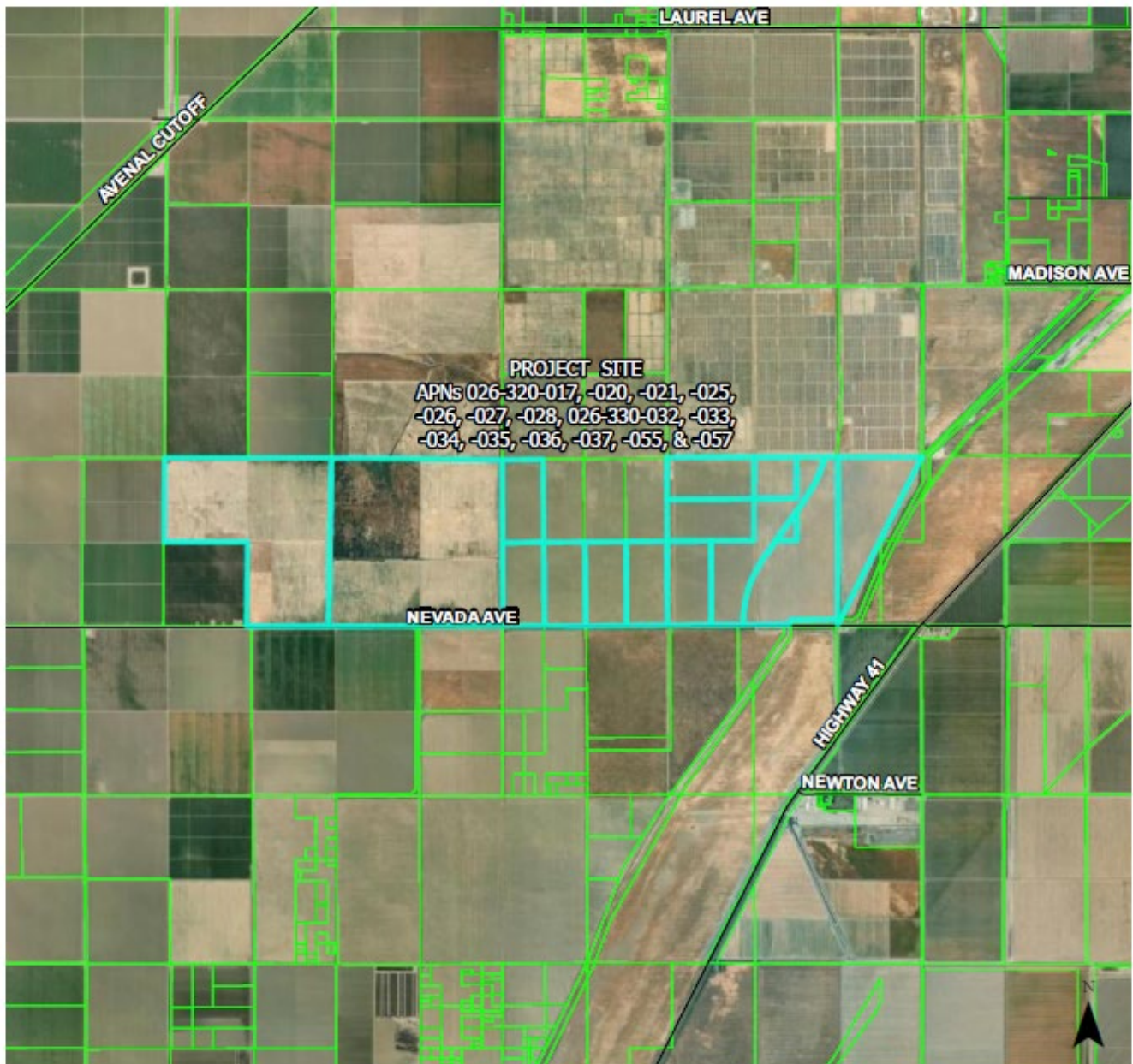
Most of the lands surrounding the Project Site (including the 640-acre area proposed to be added to the west side of the Grape Project Site) consist of agricultural lands planted in row crops or tree crops, with some fields left fallowed seasonally. The structures in the vicinity include the Shannon Ranch complex (including 20 dwellings) located on Avenal Cutoff Road approximately 2.4 miles northwest and the Stone Land Company Ranch located approximately 2.0 miles west on Nevada Ave.

Notable changes on adjacent lands include the completion of the 250-MW Solar Blue Project to the north and the 150-MW Castanea (formerly Chestnut) Solar Project to the northeast in 2023. The 300-MW Daylight Legacy Solar Project to the northwest was approved in April 2024 and is set to start construction in 2025. No other substantial changes to surrounding lands have occurred since 2021.

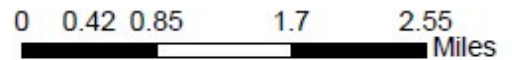
Site Location Map

Conditional Use Permit No. 20-02 Amendment
(Westlands Grape Solar)

County of Kings
Community Development Agency

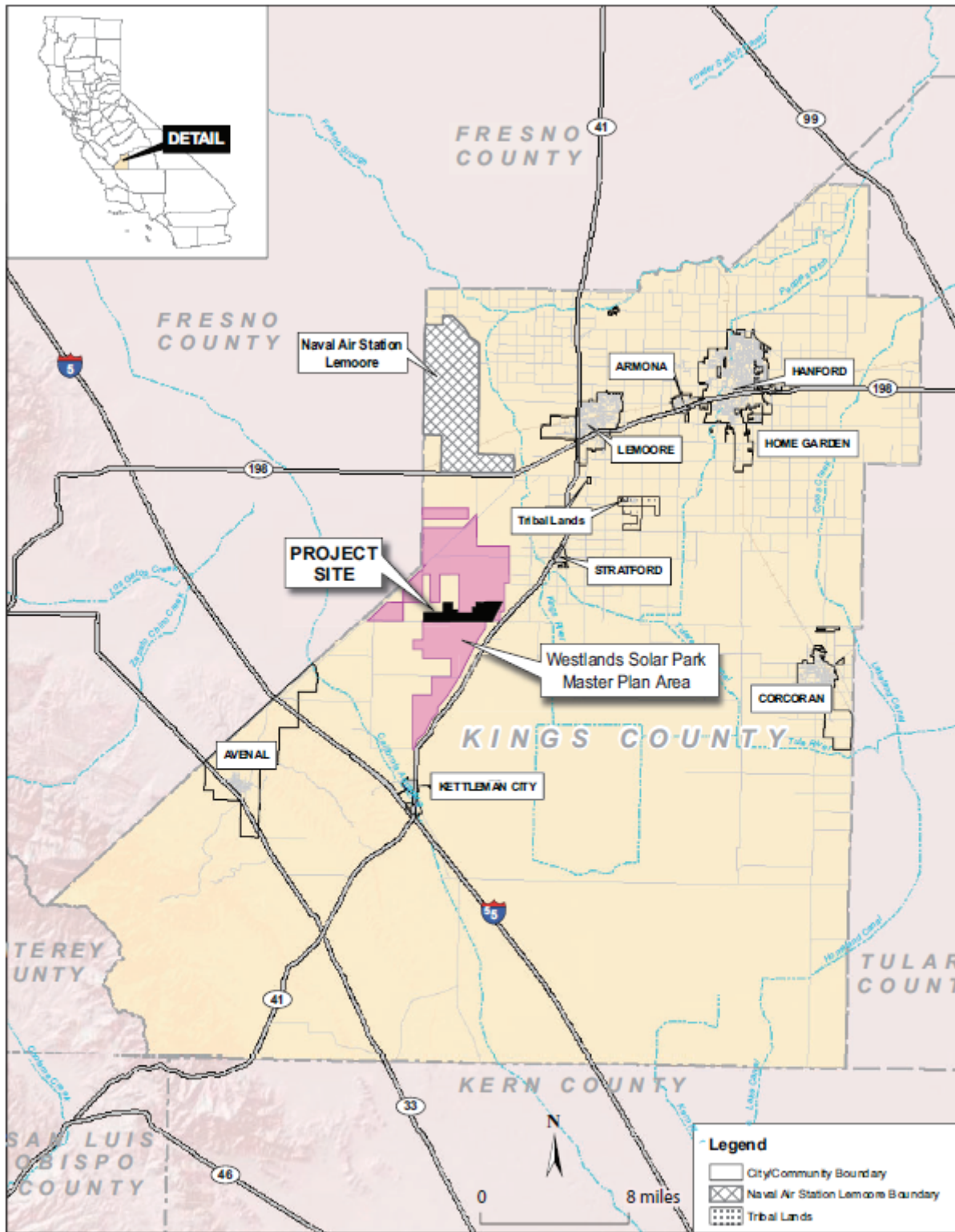


Produced by: Noelle Tomlinson
Tuesday, June 11, 2024
Kings County Community Development Agency
1400 W. Lacey Boulevard, Hanford CA, 93230
(559) 852-2670



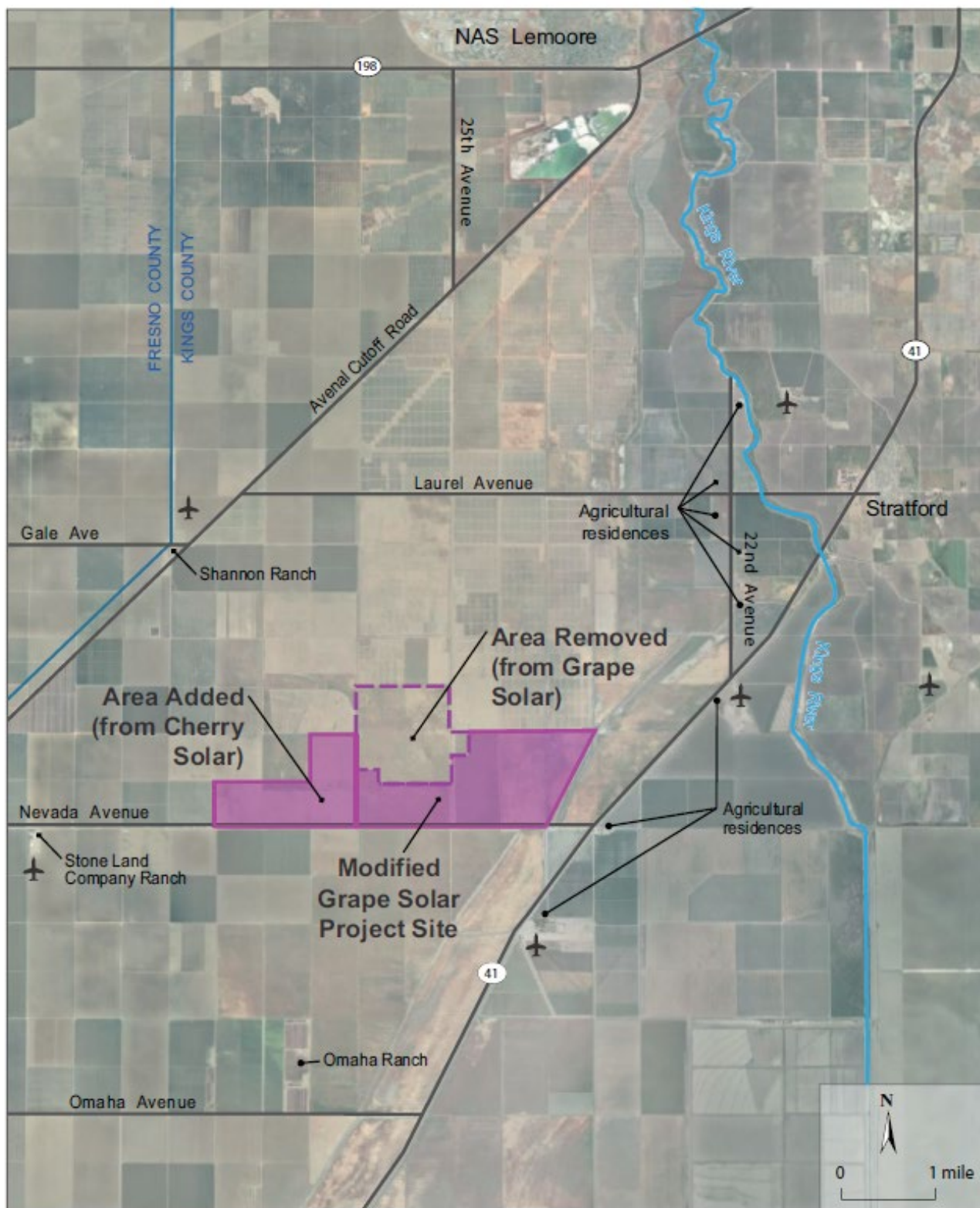
LEGEND

 Project Site



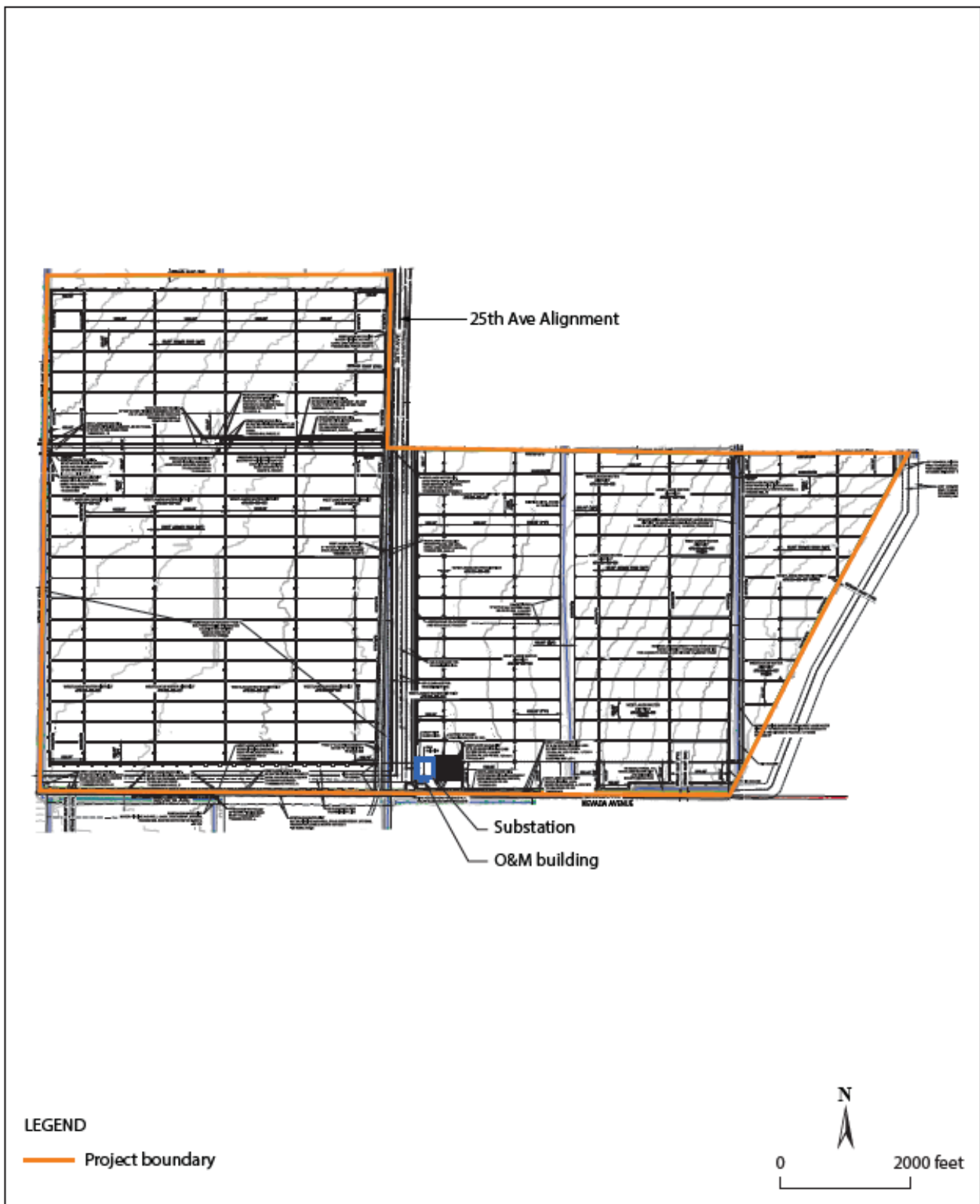
Source: Kings County Community Development Agency

Regional Location
Figure PD-1



Source: Google Earth, 2024

Project Vicinity
Figure PD-2



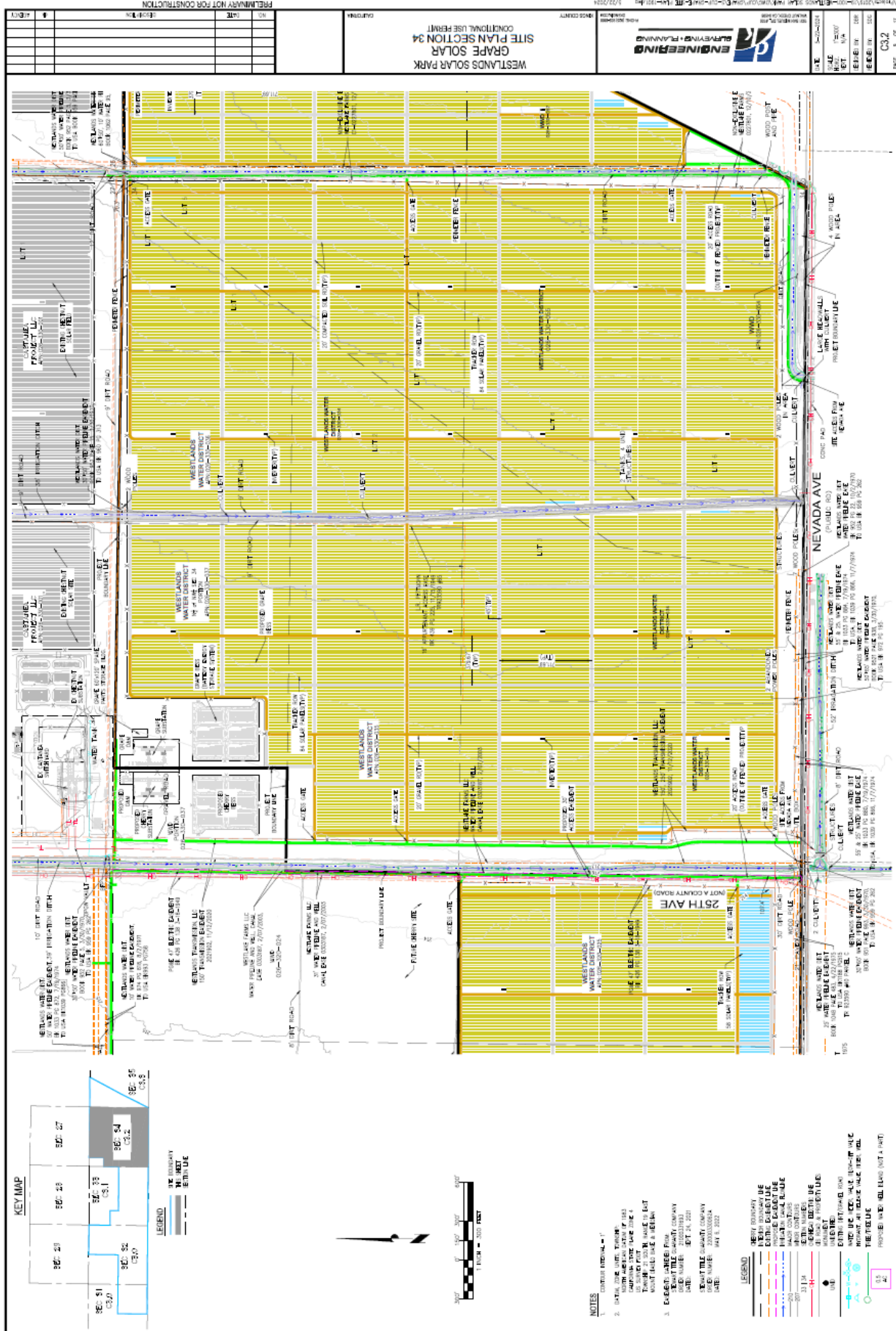
Source: d/k Engineering; Stellavise

Approved Site Plan
Figure PD-3



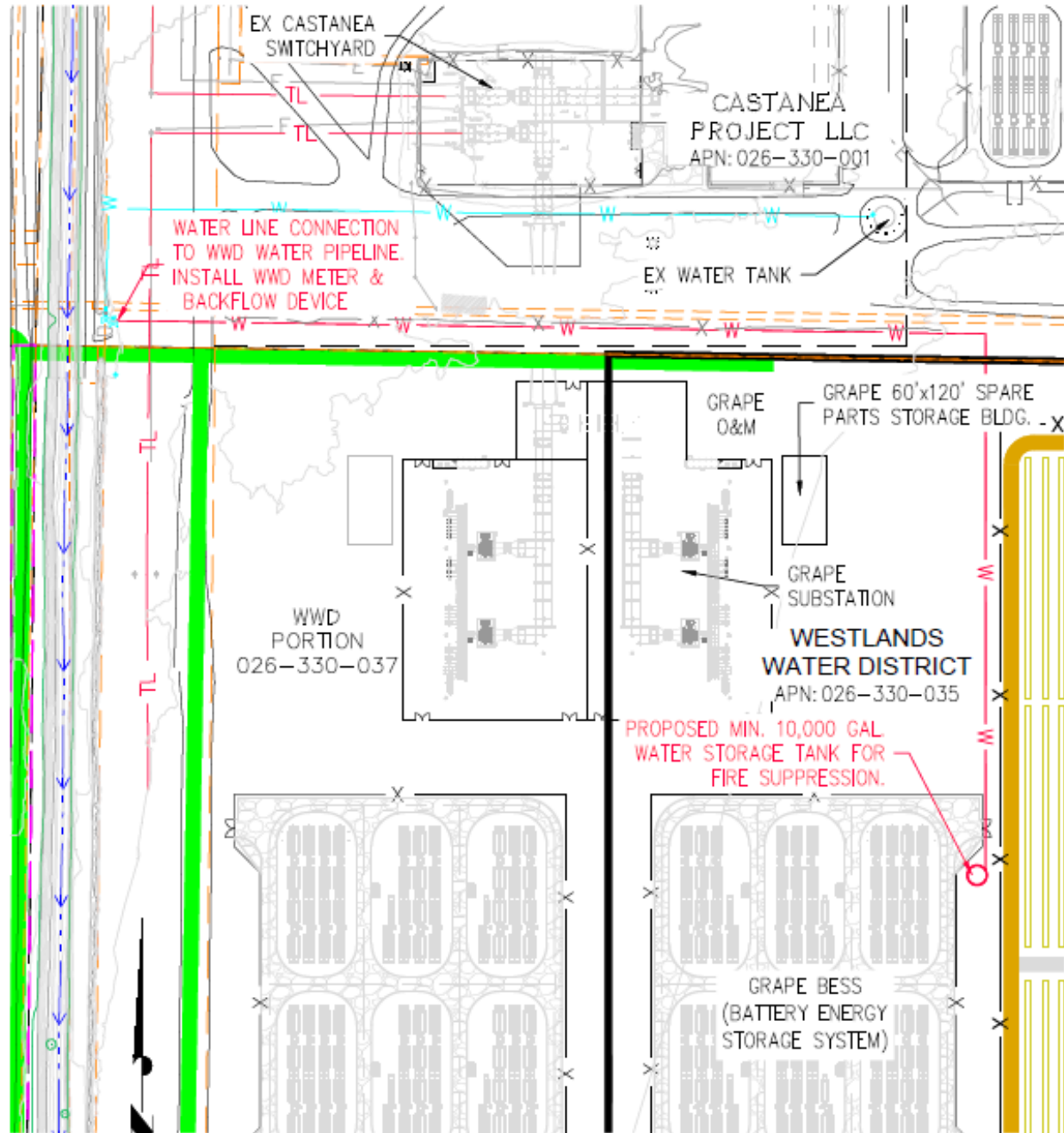
Source: DK Engineering

Modified Site Plan
Figure PD-4



GRAPE SOLAR WATER TANK CONCEPT PLAN

JUNE 10, 2024



F:\PROJECTS\2019\19-100-NESTLANDS SOLAR PARK\DWG\CUP\GRAPE-SOL-GRAPE-EE PLAN-1901.DWG 6/10/2024



SHEET 1 OF 1

ENVIRONMENTAL REVIEW:

The original IS/MND was prepared for CUP No. 20-02 in compliance with the *California Environmental Quality Act (CEQA)* and was adopted by the Kings County Planning Commission on June 7, 2021. The IS/MND concluded that any potentially significant adverse impacts associated with the Westlands Grape Solar Project would be mitigated to a less-than-significant level by implementing the mitigation measures identified in the IS/MND. The identified Mitigation measures (MMs) are carried out through implementation of the Mitigation Monitoring and Reporting Program (MMRP) contained in “Exhibit A” of the Planning Commission’s Resolution No. 21-02.

The State CEQA Guidelines, Section 15164, allows for an Addendum to an approved IS/MND to be prepared when minor technical changes or additions are necessary and if the project does not meet any of the requirements stated in Section 15162 which would require preparation of subsequent EIR or Negative Declaration. The County has determined that none of the conditions described in Section 15162 calling for the preparation of such an alternative CEQA document, have occurred as described below:

1. No substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR or Negative Declaration;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Addendum No. 1 to the IS/MND has been prepared to analyze potential environmental impacts associated with proposed Modification No. 1 to CUP No. 20-02. No potential impacts were identified beyond those identified in the approved IS/MND. The proposed project may have significant adverse impacts on the environment; however, those impacts can be mitigated to an insignificant level by implementing the mitigation measures identified in the Mitigation Monitoring & Reporting Program (MMRP) adopted by the Planning Commission on June 7, 2021, as modified in the revised MMRP contained in Exhibit “A” of the Planning Commission Resolution No. 24-06.

As stated in CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration. Accordingly, Addendum No. 1 to the IS/MND for the proposed Modification No. 1 to CUP No. 20-02 was not circulated for public review.

PROJECT REVIEW:

Original CUP Application

April 16, 2020	Application submitted
March 17, 2021	Application certified complete
March 19, 2021	Begin 30-day review period for environmental review
April 19, 2021	Environmental review period extended
May 24, 2021	30-day environmental review period ends
June 7, 2021	Planning Commission hearing

Application for Modification No. 1 to CUP No. 20-02

May 30, 2024	Application submitted
June 27, 2024	Application certified complete
August 5, 2024	Planning Commission hearing

STAFF ANALYSIS:

In order to approve this Conditional Use Permit modification, the Commission is required to make the following findings pursuant to Section 1707 of the *Kings County Development Code*:

1. The proposed use is consistent with the *2035 Kings County General Plan*.
2. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
6. That no process, equipment, or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness or to involve any undue risk of fire or explosion.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

All findings and adopted conditions of approval in Resolution No. 21-02 concerning the approval of the original Westlands Grape Solar Project under CUP No. 20-02 remain in full force and effect, except for the minor modifications.

Regarding proposed Modification No. 1 to CUP No. 20-02, staff comments that:

1. The proposed use is consistent with the *2035 Kings County General Plan*.

Finding: The proposal conforms with the policies of the *2035 Kings County General Plan*, specifically:

- A. Figure LU-11, “Kings County Land Use Map” of the *2035 Kings County General Plan* designates this site as Exclusive Agriculture (AX) (easternmost 519.19 acres) and General Agriculture – 40 Acre (AG-40) (the remaining 1,240 acres of the Project Site).
- B. Page LU-13, Section III.A.1. of the “Land Use Element” of the *2035 Kings County General Plan* states that agricultural land use designations account for a vast majority of the County's land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20-Acre Minimum, General Agriculture 40-Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations related to minimum parcel size, animal keeping, and agricultural service business. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in manner that remains compatible with other uses within the County. The development of agricultural services and produce processing facilities within the Agricultural areas of the County shall develop to County Standards.
- C. Page LU-13, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the General Agriculture – 40 Acre (AG-40) designation is applied to rural areas of the county south of Kansas Avenue, excluding the Urban Fringe areas of Corcoran, the Communities of Kettleman City and Stratford, and high slope areas of the Coast Ranges. This designation allows intensive agricultural uses that by their nature may be incompatible with urban uses. Much of the land within this designation is also subject to flood hazard risk and should remain devoted to agriculture use to reduce the potential for future conflicts.
- D. Page LU-14, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the Exclusive Agriculture (AX) designation is applied around Naval Air Station Lemoore and its flight paths to reduce potential conflicts between military jet aircraft operations and surrounding land uses. Areas subject to potential aircraft noise and safety issues are designated Exclusive Agriculture (AX) to reduce the number of residences and preserve priority agricultural lands from encroachment by incompatible uses.
- E. Page LU-27, Section IV.B of the “Land Use Element” of the *2035 Kings County General Plan* states that Agricultural Open Space is the most extensive environmental category that displays the rural agricultural nature of the county. The agricultural land use designations (Limited Agriculture, General Agriculture 20 Acres, General Agriculture 40 Acres, and Exclusive Agriculture) are used to define distinct areas of agricultural intensity and protect agricultural land from the encroachment of incompatible uses. Limited and General Agriculture designated areas provide appropriate locations for agricultural support businesses, while Exclusive Agriculture provides a safety and noise buffer around the Naval Air Station. The physical development of agricultural properties is regulated and implemented by the Zoning Ordinance, in which the zone districts have the same designations: Limited Agriculture (AL-10), General Agriculture (AG-20 and AG-40), and Exclusive Agriculture (AX) are used. The minimum parcel size in the Exclusive Agriculture area is 40 acres. (Note: *Zoning Ordinance No. 269.69*)

was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015 and became effective on April 2, 2015.)

- F. Page LU-37, LU Objective B6.1 of the “Land Use Element” of the *2035 Kings County General Plan* establishes Exclusive Agriculture designated areas in coordination with Naval Air Station Lemoore (NAS Lemoore) officials to serve as an open space buffer for public safety purposes that is consistent with the base’s defined areas of operation.
 - G. Page LU-37, LU Policy B6.1.2 of the “Land Use Element” of the *2035 Kings County General Plan* states that Exclusive Agriculture shall be used along NAS Lemoore defined flight path corridors that exhibit levels of at least 70 dB CNEL aircraft generated noise to limit and discourage intensive agricultural and structure-based land uses that may pose increased risks to inhabitants and base operations.
 - H. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agriculture Open Space area and are supported for their continued operation and existence.
 - I. Page LU-38, LU Objective B7.1 of the “Land Use Element” of the *2035 Kings County General Plan* allows compatible Open Space and Public uses of land within Agriculture Open Space area of the County.
 - J. Page LU-38, LU Policy B7.1.3 of the “Land Use Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - K. Page RC-50, RC Objective G1.2 of the “Resource Conservation Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - L. Page RC-50, RC Policy G1.2.4 of the “Resource Conservation Element” of the *2035 Kings County General Plan* coordinates the siting of alternative energy facilities within the Exclusive Agriculture (AX) Zone District with the Naval Air Station Lemoore to endure such facilities will not have the potential to create a hazard for aircraft (e.g., reflective solar panels).
 - M. Page RC-50, RC Policy G1.2.5 of the “Resource Conservation Element” of the *2035 Kings County General Plan* states to site new large-scale alternative energy facilities where they can be served by existing electrical transmission lines, or where such lines can be located and designed to minimize visual, environmental, and agricultural disturbances.
 - N. Page RC-51, RC Policy G1.2.7 of the “Resource Conservation Element” of the *2035 Kings County General Plan* requires commercial solar and wind energy systems to be reviewed as a conditional use permit pursuant to the procedures of the Kings County Zoning Ordinance. (Note: *Zoning Ordinance No. 269.69* was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015, and became effective on April 2, 2015.)
2. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
- A. The approval of proposed Modification No. 1 to Conditional Use Permit No. 20-02 (Westlands Grape Solar Project) is in compliance with the requirements of the *California*

Environmental Quality Act (CEQA). The proposed use should not be detrimental to public health and safety, or materially injurious to properties in the vicinity. An addendum (Addendum No. 1) to the original Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for this proposed project modification. The proposed project modification may have significant adverse impacts on the environment; however, those impacts can be mitigated to a less-than-significant level by implementing the Mitigation Monitoring & Reporting Program (MMRP) attached to the Planning Commission Resolution for this project as Exhibit “A.” The addendum to the IS/MND reflects the Planning Commission’s independent judgement and analysis.

As provided by CEQA Guidelines Section 15164, the lead agency shall prepare an addendum to a previously certified EIR or IS/MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred. An addendum is appropriate under Section 15164 where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration.

Addendum No. 1 to the IS/MND provides CEQA review for the modified Westlands Grape Solar Project, and its evaluation determines if any changed conditions caused by the proposed project modification may result in a different environmental impact significance. The proposed Modification No. 1 for CUP No. 20-02 would not result in any new significant or substantially more severe impacts than were identified in the 2021 adopted IS/MND, and therefore an addendum to the originally adopted IS/MND is appropriate.

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
 - A. The IS/MND did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit “A.” to Resolution No. 24-06.

4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
 - A. The project site is located within the General Agriculture – 40 Acre (AG-40) zone district.
 - B. Article 4, Section 407, Table 4-1 of the Kings County Development Code prescribes the land use regulations for “Agricultural” zoning districts. The regulations for each district are established by letter designation shown in the key to Table 4-1.

- 1) Table 4-1 lists commercial solar photovoltaic electrical generating facilities as a use requiring a conditional use permit within the General Agriculture – 40 Acre (AG-40) zone district, subject to Planning Commission approval.
- C. Article 10, Section 1004.A of the Kings County Development Code states that the regulations contained in the Agricultural Overlay Zone (AOZ) are intended to be applied to Agricultural Zone District areas where additional land use limitations are needed to implement the Kings County General Plan and address related public health and safety concerns. The AOZ is intended to provide added restrictions that are limited in scope and serve to modify the base zone district requirements. The specific purposes of the AOZ are:
- 1) Reduce potential land use conflicts around the Naval Air Station Lemoore, concerning noise and safety due to the operation of military jet aircraft.
 - 2) Enhance land use compatibility around Naval Air Station Lemoore by accommodating agriculture, aircraft, and residential uses in a compatible manner that maintains economic and national defense sustainability while also allowing residents opportunities to improve their quality of life.
 - 3) Preserve lands best suited for agricultural uses and serving as a military base safety buffer from encroachment by incompatible uses.
 - 4) Apply to Exclusive Agriculture (AX) expansion areas as adopted by the Board of Supervisors in January 2010 and any changes and/or amendments of such expansion areas and implement the policies and provisions of the Kings County General Plan.
 - 5) The AOZ shall be shown on the Zoning Map by adding the designator “AO” to the base district designation. The AOZ will be applied to all properties designated as Exclusive Agriculture (AX) as shown on Figure LU-11 of the *2035 Kings County General Plan* and currently zoned as either AG-20 or AG-40.
 - 6) The provisions in this chapter shall apply to all parcels of land located within the designated boundaries of the overlay district as illustrated on maps contained on the County zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where the overlay zoning district is not defined, the regulations of other sections of this title shall apply.
- D. Development Standards and Regulations within the Agricultural Overlay Zone:
- 1) The maximum height for any structure is 100 feet.
- E. Article 11, Section 1112.B.2 of the Kings County Development Code identifies the following standards for commercial solar electric generating systems in Agricultural Zoning Districts:
- 1) The proposed site shall be located in an area designated as either “Very Low Priority,” “Low Priority,” or “Low-Medium Priority” land according to Figure RC-13 Priority Agricultural Land (*2035 Kings County General Plan*, Resource Conservation Element, Page RC-20). “Medium Priority” land may be considered when comparable agricultural

operations are integrated, the standard mitigation requirement is applied, or combination thereof.

- a. As shown in Figure RC-13 “Priority Agricultural Land” of the *2035 Kings County General Plan*, the project site is designated as Low Priority and Low-Medium Priority. The proposed project is consistent with the requirement of the Development Code.
- 2) The proposed site shall be located within 1 mile of an existing 60 kV or higher utility electrical line. Small community commercial solar projects (less than or equal to 3 MW) may be located more than 1 mile from a 60 kV or higher transmission line subject to the following findings:
- a. The project site is located on low or very low priority farmland.
 - b. The project site is not restricted by a Williamson Act or Farmland Security Zone contract.
 - c. The project will connect to existing utility infrastructure without building new power lines.
 - d. The project will not result in any additional easements on agricultural land, other than access easements or easements within the public Right-of-Way.
 - i. Discussion: The proposed project is not 3 megawatts or less and does not qualify as a small community commercial solar project. Therefore, the project shall be located within 1 mile of a 60 kV or greater transmission line. An existing 70 kV utility transmission line passes through the center of the project alongside the 25th Avenue alignment. The proposed project is consistent with this requirement of the Development Code.
- 3) Agricultural mitigation shall be proposed for every acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance converted for a commercial solar facility. The agricultural mitigation shall preserve at a ratio of 1:1 an equal amount of agricultural acreage of equal or greater quality in a manner acceptable to the County for life of the project. Agricultural mitigation on land designated “Medium-High” or higher priority land shall preserve an equivalent amount of agricultural acreage at a ratio of 2:1.
- a. Discussion: Under the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP), approximately 415 acres of the project site are mapped as Farmland of Statewide Importance, and the remaining 1,344.19 acres are mapped as Grazing Land. Unless mitigated, the project would result in conversion of the Farmland of Statewide Importance to non-agricultural use. To reduce the potential impacts to less-than-significant, the MMRP lists three mitigation measures. Mitigation Measure AG-1 requires an Agricultural Management Plan (AMP) that will provide for the ongoing agricultural productivity of the project site through dry farm seasonal sheep grazing for the life of the project. Mitigation Measure AG-2 requires the preparation of a Soil Reclamation Plan which will be implemented upon project decommissioning at the end of the project’s useful life. Mitigation Measure AG-3 provides the County with financial assurance in the form of a performance or cash bond, or another County-approved instrument, to ensure the implementation of Mitigation Measure AG-2.

Mitigation Measures AG-1, AG-2, and AG-3 shall be submitted to the Kings County Community Development Agency prior to the issuance of building permits for the proposed project. With the implementation of these Mitigation Measures, both temporary and permanent impacts to “Farmland” would be reduced to less-than-significant levels with mitigation incorporated. No portion of the project site is designated as “Medium-High” or higher priority lands in Figure RC-13 “Priority Agricultural Land” of the *2035 Kings County General Plan*. The project is consistent with this requirement of the Development Code.

- 4) The project shall include a reclamation plan and financial assurance acceptable to the County that ensures the return of the land to a farmable state after completion of the project life and retains surface water rights.
 - a. Discussion: A Soil Reclamation Plan with County-approved financial assurances will be required through Mitigation Measures AG-2 and AG-3 and will satisfy this requirement of the Development Code.
- 5) The project shall include a pest management plan and weed abatement plan to protect adjacent farmland from the nuisances and disruption.
 - a. Discussion: A pest management and weed abatement plan are conditions of approval and shall be submitted to the Community Development Agency for approval prior to the issuance of building permits. See Condition No. 15 below.
- 6) The project shall space internal access driveways per Kings County Fire Department Standards.
 - a. Discussion: Prior to the issuance of the building permit, detailed site plans showing internal access driveways shall be prepared and provided to the Planning Division and Fire Department for approval. The access driveways shall be maintained and completely surround the solar panels to allow access from any side or end. Access driveways shall not be less than 20 feet wide or spaced greater than 400 feet apart and shall provide vertical clearance of not less than 13 feet 6 inches. Detailed plans shall be provided for review and the applicant shall meet with the Fire Marshal in a timely manner upon request for clarification of any issues. See “Other Standards and Regulations” below for Kings County Fire Department requirements. With these requirements, this finding would be satisfied.
- 7) The project shall include a solid waste management plan for site maintenance and disposal of trash and debris.
 - a. Discussion: The applicant shall implement a Solid Waste Management Plan for the project. The non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill. Hazardous wastes generated during project construction, operation, and decommissioning shall be either recycled or disposed of at a Class I disposal facility, as required. With implementation of Condition No. 17 listed below, this finding would be satisfied.
5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic,

or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.

- A. The approved project and the proposed project modification were and are subject to analysis pursuant to the *California Environmental Quality Act (CEQA)* and the CEQA Guidelines. An IS/MND on the original Westlands Grape Solar Project was prepared and circulated for a 30-day public comment period. With incorporation of mitigation measures, the proposed project, as modified, will not result in any of the significant effects which are objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity. In addition to mitigation measures adopted as part of the Mitigation Monitoring & Reporting Program (MMRP), other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.
6. That no process, equipment, or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness or to involve any undue risk of fire or explosion.
 - A. The proposed facility will not be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any undue risk of fire or explosion. The proposed modified project would involve the construction, operation, maintenance and decommissioning of a solar photovoltaic power generating facility on approximately 1,759 acres of land. Hazardous materials would be handled in compliance with applicable laws and regulations regarding transport, handling, disposal, and storage. The modified Project would comply with federal and state regulations regarding the use, handling, disposal, recycling and reuse of PV cells. Lighting will be oriented and/or shielded to the interior of the site to prevent spillage onto nearby properties and rights-of-way. Solar glare would not impact flight paths or the air traffic control station. In addition, compliance with international, federal, state, and local regulations would ensure that there is a low potential for fires. A Water Tank Concept Plan has been submitted to show the location and method of water connection for the Kings County Fire Department requirement of a 10,000-gallon (at minimum) water tank equipped with a pressure system and float valve to keep the tank full at all times for fire suppression. The IS/MND and Addendum No. 1 did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit "A" to Resolution No. 24-06. Other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.
 7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
 - A. The proposed modified project would include the installation of a septic tank and drain field system for the wastewater from the O&M facility. The septic system would require a building

permit from the Kings County Community Development Agency – Building Division. On-site septic system facilities would be installed in compliance with the California Building Code and Kings County Plumbing Code and would be subject to the approval of the Kings County Community Development Agency and Kings County Environmental Health Services. The system shall be designed by a qualified engineer (see Building Division Requirement No. 11 below).

8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
 - A. This modified project as described in the original IS/MND and Addendum no. 1 to the IS/MND will be required to comply with all applicable regulations of the SJVAPCD, including but not limited to Rules 8011 through 8081 (Fugitive Dust Prohibitions) and Rule 9510 (Indirect Source Review). The construction and decommissioning of this project will temporarily increase emissions of PM₁₀ and thus a condition of approval will require the project to comply with SJVAPCD Regulation VIII.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.
 - A. Article 16, Section 1602.A.5 requires site plans for commercial and industrial projects to be professionally drawn to a scale large enough to show all details clearly with full dimension. Site plans must include detail of the following: lot dimensions; setback measurements; all buildings and structures; yards and space between buildings; all walls, fences, and gates; off-street parking; property access; signs; loading; lighting; street dedications and improvements; landscaping; fire hydrants; on-site drainage; and any other data as required. The site plan meets all of the criteria required by Section 1602.A.5, such that the locations, sizes, and functions of all existing and proposed features can be ascertained.

STATEMENT OF FINDINGS OF CONSISTENCY:

1. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:

- A. The project site is subject to a Williamson Act and/or Farmland Security Zone Contract pursuant to *Government Code* Section 51295. On November 26, 2013, Kings County adopted Resolution No. 13-058 recognizing that certain land parcels within the County south of SR-198 and west of SR-41 (e.g., where the project site is located) that are under Williamson Act and/or Farmland Security Zone contracts are limited in agricultural production due to reduced surface water deliveries, poor groundwater quality and severe groundwater overdrafts, impaired soil conditions, and regulatory burdens. Further, the Resolution provides a soil reclamation plan and financial assurances, and if a finding can be made, based upon substantial evidence, that the proposed concomitant commercial agricultural operation is a reasonably foreseeable use of the land (taking into account surface water availability, groundwater quality and availability, and soil conditions).

The soil and water analysis reports prepared for neighboring project sites with the same soil types and conditions as the project site state that the native soils of the project area have naturally high salt levels and have been exacerbated by poor natural drainage. The short supply of high-quality water imported water limits the amount of surface water that can be applied to pre-irrigate the soil to leach out some salts. Long term soil salinity conditions are expected to increase due to lack of a subsurface drainage system and a sustainable leachate disposal outlet.

This fulfills the requirements of Resolution No. 13-058 in demonstrating that poor soil and water quality, and insufficient supplies of surface and groundwater currently exist, and that the proposed concomitant commercial agricultural operation (solar facility and dry farm seasonal sheep grazing) would be a reasonably foreseeable use of the land at the modified project site. Consequently, because the project site is located within an area covered under Resolution No. 13-058, has adequately demonstrated that poor soil and water quality exist, water supply is insufficient to support agricultural crops, and because the project would allow for dry farm seasonal sheep grazing and would require a Soil Reclamation Plan and an updated Engineer's Cost Estimate for financial assurances every five years, there would be no potential conflict or conversion of land under the Williamson Act and Farmland Security Zone contracts.

2. **FLOOD PLAIN FINDINGS:**

- A. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0300C, dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

3. **AIRPORT COMPATIBILITY ZONE FINDINGS:**

- A. The project site is not located within an Airport Compatibility Zone.

RECOMMENDATIONS:

It is recommended that the Commission approve Modification No. 1 Conditional Use Permit No. 20-02 as described above and adopt Resolution No. 24-06. Approval of this Resolution will:

1. Find that the proposed Modification No. 1 to Conditional Use Permit No. 20-02 will not have significant adverse impacts on the environment and approve Addendum No. 1 to the *Mitigated Negative Declaration*.
2. Find that Planning Commission Resolution No. 21-02 concerning CUP No. 20-02 remains in full force and effect.
3. Approve Modification No. 1 to CUP No. 20-02 with specified conditions of approval.

This permit modification shall become effective upon the expiration of eight (8) days following the date on which the permit modification was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

For the information of the applicant, compliance with other adopted rules and regulations of any local or state regulatory agency shall be required by the Planning Commission. This includes but is not limited to the following:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Noelle Tomlinson of the Kings County Community Development Agency – Planning Division at (559) 852-2697 regarding the following requirements:

1. All proposals of the applicant shall be requirements unless modified herein.

2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Site Plan Review.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of the *Development Code No. 668.17*, with particular reference to the General Agriculture – 40 Acre (AG-40) Zone District standards contained in Article 4 and the standards for Conditional Use Permits contained in Article 17.
4. All signage must comply with Section 418.C of the *Kings County Development Code*. Signs shall be located outside the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
5. Any exterior lighting shall be hooded so as to be directed only on-site. Pursuant to Section 418.E of the *Kings County Development Code*, exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.
 - A. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
 - B. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
 - C. To achieve the desired lighting level for parking and pedestrian areas, the use of more short,

low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

6. Pursuant to Section 418.F of the *Kings County Development Code*, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water meters: The installation of water meters to encourage water conservation.
 - B. Stormwater Drainage: The integration of onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase stormwater detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
7. Off-street parking shall be provided in accordance with Article 13, Table 13-1 of the *Kings County Development Code* and shall be installed in accordance with *Kings County Improvement Standards*. **(Note: Accessible parking requirements are listed under Building Division Requirement No. 8 below.)**
8. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site, or 2) the final inspection. (Note: the applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation.)
9. Pursuant to Section 303.G of the *Kings County Improvement Standards*, the parking area at the O&M building shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires two (2) inches of Type “B” Asphalt Concrete over four (4) inches of Class 2 aggregate base over six (6) inches of R-50 Native @ 95% compaction under the “Heavy Use” conditions. All other parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface pursuant to the “Rural Alternative”. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires Cutback Asphalt over four (4) inches of Decomposed Granite under the “Rural Alternative”. (Note: the Kings County Planning Commission hereby reserve the right to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due to vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County roads.)
10. Accessible parking spaces shall be located so as to minimize the travel distance to the use’s primary entrances for access. Required off-street accessible parking spaces, and standards for those spaces, shall meet state standards.
11. Pursuant to Article 4, Section 418.B. of the *Kings County Development Code* the following are required for landscaping in Agricultural Zoning Districts:
 - A. In all Agricultural Zoning Districts, as stated in Article 15, all new construction and

rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”.

12. Pursuant to Section 418.B of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
 - A. Fences, walls and hedges exceeding six (6) feet in height shall be permitted except that fences, walls, and hedges shall not exceed three (3) feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - B. Gates shall be permitted as follows:
 - 1) Gates which are used for the primary vehicular ingress and egress, and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - a. A minimum distance of twenty (20) feet.
 - b. A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
 - 2) Gates used for the primary vehicular ingress and egress, and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - a. The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - b. The gate must be operational at all times using a remote-control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - c. At any time that the gate is not operational using the remote-control device the gate must be locked in the open position or it must be removed entirely.
 - 3) Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat, or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
13. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash, and debris.
14. The minimum yard requirements from property line to a structure shall be as follows:

- A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line if not fronting on a public road right-of-way. The minimum front yard setback for non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way or property line if not fronting on a public right-of-way.
 - B. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - C. The minimum rear yard setback shall be ten (10) feet from the rear property line.
15. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a pest management and weed abatement plan** which establishes set action thresholds, identifies pests, specifies prevention methods as a quantitative performance goal of nuisance reduction to adjacent farmland. Rodenticide, if used, shall be selected, and used in a manner that minimizes impacts to protected biological species.
16. The weed abatement plan shall contain specific provisions to address Russian thistle (also known as tumbleweed). The weed abatement plan shall also contain specific provisions requiring that weeds be addressed on an annual basis (prior to reaching maturity and prior to producing seeds) on the entire property that the project site is located on, the perimeter fence line, the area outside the perimeter fence to all adjacent property lines, and the area outside the perimeter fence to the adjacent County road shoulder.
17. **Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Solid Waste Management Plan** which establishes action items and specific control methods to ensure that: 1) the non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill; and 2) hazardous wastes generated during project construction and operation shall be either recycled or disposed of at a Class I disposal facility, as required.
18. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life.** The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate pre-project condition, including: 1) removal of all above-ground and below-ground project fixtures, equipment, and nonagricultural driveways; 2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; 3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and 4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff until the entire project area has been restored to equivalent conditions. All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.

19. **Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer’s Cost Estimate and approved by the Kings County Community Development Agency, to ensure the completion of activities under the Soil Reclamation Plan.** Every five (5) years from the date of completion of construction of the project, the applicant shall submit an updated Engineer’s Cost Estimate for financial assurances for the Plan, which will be reviewed every five (5) years by the Kings County Community Development Agency to determine if the amount of the assurances is sufficient to implement the Plan. The amount of assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan. The fees for each five-year review of assurances shall be determined by the Kings County Board of Supervisors and paid by the owner/operator at the time of review.
20. Additional annual service impact fees affecting the Kings County Fire Department and the Kings County Sheriff Department will not be billed to the applicant. Instead, the applicant will be responsible for paying for services rendered by the two departments during times of emergency when services are provided for the project site.
21. The land upon which this project is located is subject to Farmland Security Zone Contract No. 266 & Farmland Security Zone No. 50. All land uses and structures located on this contracted land must comply with the “*Uniform Rules for Agricultural Preserves in Kings County*” and the requirement of the “*California Land Conservation ‘Williamson’ Act*”, specifically sections 51231, 51238, 51238.1 and 51250. Failure to comply with said *Uniform Rules and Act* may result in action taken by Kings County or the State of California to enforce the conditions of the contract. Such enforcement may result in substantial monetary penalties and termination of that portion of the *Williamson Act* Contract determined to be incompatible.
22. All mitigation measures in the Mitigation Monitoring and Reporting Plan (MMRP), as modified, pertain to Modification No. 1 to CUP No. 20-02, are adopted as conditions of this approval, and are included in Modification No. 1 to Conditional Use Permit No. 20-02.
23. All terms and conditions from “Agreement Between the County of Kings and Westlands Grape, LLC for Indemnification and Reimbursement for Extraordinary Costs No. 2021-002” (Indemnification & Reimbursement Agreement) still apply.
24. The applicant shall comply with all requirements of, and obtain any necessary permits from, the San Joaquin Valley Air Pollution Control District (SJVAPCD). Questions concerning the SJVAPCD requirements should be directed to Patrick Chimienti at (559) 230-6139.
25. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
26. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgement of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
27. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.

28. Sales, use, or transactions tax may apply to business activities on the site. The applicant may seek written advice regarding the application of tax to your particular business by writing to the nearest State Board of Equalization office. For general information, please call the Board of Equalization at 1-800-400-7115.
29. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
30. This Conditional Use Permit shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
31. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Planning Commission prior to the permit's expiration date.
32. This approved Conditional Use Permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the Conditional Use Permit approval.
33. This permit shall become effective upon the expiration of eight (8) days following the date on which the permit was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

OTHER STANDARDS AND REGULATIONS:

In addition to the above Zoning Ordinance requirements, other standards and regulations affecting this project are listed below. These requirements are not part of this zoning approval. However, compliance is required by the departments and agencies listed below. Appeals for relief of these standards and regulations must be made through that department's or agency's procedures, not through the *Development Code* procedures.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements.

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A complete set of plans and calculations shall be required for all work proposed and required by this application. The plans and calculations signed by an architect or engineer licensed to practice

in the State of California shall be required for all structures. Plans and calculations shall be submitted digitally to <https://cdapermits.countyofkings.com> .

4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. School fees based on square footage of the building shall be added to the cost of the building permit, unless the school district provides an exemption from the school fees.
7. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
8. The tenant, lessee and/or owner are responsible for compliance with the Americans with Disabilities Act, ADA. By federal law the facility shall be made accessible to the highest degree possible.
9. Public Facilities Impact Fees for the building shall be payable at the time of the issuance of the building permit if applicable.
10. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
11. If restroom facilities are to be constructed, a septic system design prepared by a qualified soils engineer shall be provided to the Building Division prior to issuance of building permits.
12. The facility shall meet the requirements of the State of California Model Water Efficient Landscape Ordinance. If landscaping is proposed, then landscape and irrigation plans shall be provided to the Community Development Agency for review and approval prior to building permit issuance.
13. All construction shall conform to the latest adopted edition of the California Building Standards Code which consist of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY PUBLIC WORKS DEPARTMENT Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements:

1. All requirements required hereafter shall conform to the Kings County Improvement Standards.
2. All other alternatives to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work in the County right-of-way.

4. Applicant shall provide asphalt concrete drive approach(es).
5. Access to the site from a public road must be provided and must be approved by the County.
6. Additional right-of-way shall be dedicated. Right-of-way, access lanes, and easements shall be cleared of all obstructions. The clearing of all right-of-way obstructions shall be at the expense of the owner.
 - a. Right-of-way shall be dedicated at the following location(s): 33 feet along the south side of Sections 33 and 34.
7. Durable and dustless drive(s) shall be constructed.
8. Streetlights shall be installed at the following location(s) and shall conform to:
 - a. Provide a 4000 Kelvin or 120- or 139-Watt LED streetlight on a standard wood pole to be maintained and paid for by the applicant at entrances to the site.
9. Drives approach(es) shall extend a minimum 50' beyond the County right-of-way. Drive approach(es) shall be 2 ½" of asphalt concrete over 10" Class 2 base rock. Drive approach(es) shall be constructed so as storm drainage shall flow towards property.
10. Gates shall be indented to allow for sufficient distance for traffic to park off County right-of-way.
11. Fence shall be set back 1' from the County right-of-way line. Applicant shall maintain fence line and adjacent County road shoulder in weed-free condition.
12. Patch any potholes and repair any edge pavement failures or road shoulder damage that is a result of the project construction phase as directed by the Kings County Public Works Department.
13. Design and construct all improvements necessary to provide for the safe travel of traffic on Nevada Avenue at and approaching access points to the site. Primary concerns shall include the mitigation of through traffic and vehicles turning left or right off Nevada Avenue into solar site during the construction phase. Submit engineered improvement drawings for this work to the Kings County Public Works Department for review.
14. An agreement allowing for services run in the County right-of-way shall be entered into with Kings County prior to the issuance of encroachment permits.

KINGS COUNTY FIRE DEPARTMENT Contact Blake Adney at the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. The Fire Department requires a supply of firefighting water available in a storage tank on the site. The amount of water required will be in accordance with NFPA 1142 and is dependent on building volume, construction type, and exact use.
2. See attachment (Exhibit "B") for instructions on storage tank fire suppression requirements.

3. All-weather access roads capable of supporting heavy fire apparatus, of not less than twenty feet width and thirteen feet six inches of vertical clearance, shall be provided. Roads must comply with the California Fire Code.
4. A 4A 60BC fire extinguisher is required to be located in plain sight not more than other (to be determined) feet from any point in the structure. The location of fire extinguishers must be easily accessible, be easily visible, and be near entrances or exit doors. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions.
5. Employees should be familiar with the use of fire safety equipment.
6. A set of building plans must be reviewed and approved by the Kings County Fire Department.
7. The fire protection system, if provided, must be up to date on required inspections and tests and be approved by the Kings County Fire Department.
8. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
9. Property must be equipped with a Knox Box for Fire Department access.
10. Adjustment shall not interfere with Fire Department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
11. Address identification required per Section 505.1 of the California Fire Code.
12. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.
13. Other specifically:
 - a. See attached Photovoltaic Final Document for additional requirements.

PHOTOVOLTAIC SOLAR PANEL ADDITIONAL REQUIREMENTS

14. The following information shall be provided on the title page, along with three sets of 24 x 36 inch plans. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
 - a. Project location, including the full legal address of the facility, and building number(s) if applicable; tract or parcel number.
 - b. The contractor's name, telephone number, address and California State contractor's license number and classification.
 - i. Identify the fire extinguisher locations, type and size, mounting style and height above finished floor. Must have a California State Fire Marshal service tag affixed to them.

- ii. Show all roadways. Show the current property vehicle access points as well as the proposed vehicle access points for this project.
- iii. Show the location and width of fire apparatus access lanes.

Additional Requirements.

The following additional requirements may be needed in order to obtain approval by the Kings County Fire Department if an application for a permit to build a photovoltaic solar panel facility. The Kings County Fire Department reserves the right to amend existing comments or requirements or add additional comments or requirements depending upon the hazards involved with an individual project(s).

NOTE – Satisfying the below requirements does not automatically mean your plans will be approved.

15. Access Roads:

- a. The engineering designs of all life safety and fire suppression roads shall be reviewed by the Kings County Public Works Department and approved by the Kings County Fire Department.
- b. Life safety and fire suppression access roads shall be not less than 20 feet in width around the perimeter of the site and shall include interior fire access roads of not less than 20 feet in width that are spaced so that there is not greater than 400 feet in separation between fire access roads on the interior of the site.
- c. Life safety and fire suppression access roads shall be designed, engineered, and maintained to be an all-weather surface capable of supporting the imposed loads of a sixty-five thousand (65,000) pound fire apparatus with a maximum grade of 12 percent.
- d. There shall be an unobstructed vertical clearance of 13 feet 6 inches above all life safety and fire suppression access roads.
- e. If an access road is a dead-end road, the access road shall include either a 50-foot radius at the end of the road or other Kings County Fire Department approved turnaround space.
- f. There shall be a minimum of 4 feet of separation between rows to allow access for fire suppression personnel and equipment.
- g. Facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved Life Safety and Fire Suppression access roads/entrances. It should be noted that if the developer chooses to fund the purchase of an all-terrain firefighting vehicle, this requirement is still needed since, due to the size of the structure, more than one firefighting vehicle would be needed.
- h. At the sole discretion of the Kings County Fire Chief or his or her designee, an applicant may request to satisfy the above requirements regarding interior fire access roads by:
 - i. Providing funds sufficient to purchase an all-terrain firefighting vehicle of a model, cost, conditions, and equipment as specified by the Kings County Fire Department.

- ii. Providing funds to be held in a special account to pay for the purchase, maintenance, repair, or replacement of an all-terrain firefighting vehicle as set forth above. The amount of funds to be provided shall be set by the Kings County Fire Department as an amount equal to the pro rata share of the cost of purchasing a new vehicle based upon the acreage of the solar project, as well as any other factors deemed pertinent including, but not limited to, the project's proximity to other solar projects, agricultural or residential developments, or fire stations.

16. Fire Suppression Systems and Access to Water:

- a. Any fire suppression systems will need to meet all applicable State and Kings County Fire Department requirements.
- b. The fire protection system, including fixed and portable extinguishing systems, must be up to date on required annual fire inspections and tests and be approved by the Kings County Fire Department.
- c. The Fire Department may require a supply of firefighting water available in a storage tank(s) on site. The amount of water required and any required connections shall be in accordance with NFPA 1142 and the Kings County Fire Department. The tank shall be equipped with a pressure system and float valve device to keep the tank full at all times.

17. Gates and Address Numbers:

- a. Four-inch reflective address numbers at the main street side entrance shall be installed pursuant to Section 505.1 of the California Fire Code.
- b. Where gates are provided, a means for Fire Department entry shall be provided. Manual gates shall have a Fire Department Knox key lock provided. Powered gates shall be provided with a Fire Department Knox access override system. Gates shall open inward and gate entrances shall be 4 feet wider than the lane serving the gate and be located a minimum of 30 feet from the roadway to allow a vehicle to stop without obstructing traffic. A Knox pad lock shall be placed on chained gates or Knox box with gate access keys mounted at the main entrance for Fire Department access.

18. On-Site Fire Extinguishers:

- a. There will be a minimum rated 4A60BC fire extinguisher located at each inverter pad and transformer pad, mounted on a bollard protected from the weather or in a cabinet. All extinguishers shall be mounted with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions. These extinguishers must be maintained per California Fire Code.
- b. A minimum of one fire extinguisher shall be on site during construction of the facility. The required number and type of extinguishers on site during construction will vary by size of the facility.
- c. Employees shall be familiar with the use of fire safety equipment.

19. On-Site Battery Storage Units or Devices:

- a. The addition of battery storage units or devices will trigger additional Fire Department requirements dependent upon the battery technology and design selection employed. Requirements may include, but shall not be limited to, the purchase of specialized hazmat vehicles along with mandated training of Fire Department personnel.

20. Training Regarding Interruption of Electrical Power Supply:

- a. Subject to Fire Marshal approval, applicant shall provide training for fire personnel to be able to interrupt electrical power safely for emergency incidents requiring fire suppression or rescue activities.

21. Maintenance of Site:

- a. Areas within the solar array must be maintained free of flammable materials; **annual vegetation must be maintained at a height of less than four inches.**
- b. A clear, brush-free area of ten feet (thirty feet in the SRA) shall be required around ground-mounted photovoltaic arrays. This area shall be cleared of all dry grass, weeds, rubbish, trash, litter, tires, tree stumps, and other waste material, or any flammable material.

KINGS COUNTY HEALTH DEPARTMENT Contact Yatee Patel of the Kings County Department of Environmental Health Services at (559) 584-1411 regarding the following requirements:

1. Currently the facility has an active account on the CERS website. If the facility will increase the hazardous materials quantity on site, it shall be reflected in required reporting on the CERS website: <https://cersbusiness.calepa.ca.gov/Account/SignIn?ReturnUrl=%2f>.

SANTA ROSA RANCHERIA TACHI YOKUT TRIBE: (Contact Shana Powers, Tribal Historic Officer/Cultural Director, at (559) 924-1278 concerning the following requirements.)

1. **Prior to any ground disturbance and issuance of building permits**, the applicant shall enter into a curation agreement with the Santa Rosa Rancheria Tachi Yokut Tribe regarding the cultural resources and a burial treatment and protection plan, which shall be in a form acceptable to the Tribe.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Contact SJVAPCD at (559) 230-5800 concerning the following requirements.)

1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District *Regulation VIII* requirements.

WESTLANDS WATER DISTRICT: (Contact Kori Peterson of WWD at (559) 241-6231 concerning the following requirements.)

1. The applicant shall comply with Westlands Water District letter dated June 24, 2024 (attached as Exhibit “C”).

PACIFIC GAS & ELECTRIC: (Contact Paul Takemoto of PG&E at (559) 360-0209 concerning the following requirements.)

1. The applicant is applying for a large-scale interconnection project. If the applicant has not already done so, they need to explore the resources at this website: <https://url.us.m.mimecastprotect.com/s/0wKvC4xy4NFB1pQBsOU41B?domain=pge.com> to find resources for the project. Once an application is submitted, our internal project team will review and contact the applicant to furnish all necessary agreements.

PREPARATION:

Prepared by the Kings County Community Development Agency Noelle Tomlinson on July 3, 2024. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

P:\BuildingPermitSystem\GraphicsPlanning\CUP-20-002\2024 MODIFICATION\PLANNING COMMISSION\StaffReport.GrapeSolar.Modification1.doc

**ADDENDUM No. 1 TO THE
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
FOR THE**

**MODIFICATION No. 1 TO THE CUP FOR THE
GRAPE SOLAR PROJECT AND GEN-TIE LINE
KINGS COUNTY CUP 20-02**

STATE CLEARINGHOUSE No. 2021030459

KINGS COUNTY, CALIFORNIA

JUNE 2024

TABLE OF CONTENTS

1. INTRODUCTION AND BACKGROUND	1
1.1. ACTION TRIGGERING THE ADDENDUM UNDER CEQA	1
1.2. CEQA AUTHORITY FOR MND ADDENDUM	1
1.3. APPROACH TO CEQA REVIEW	6
1.4. PREVIOUS ENVIRONMENTAL DOCUMENTS.....	6
2. PROJECT DESCRIPTION	7
2.1. OVERVIEW OF APPROVED PROJECT CUP.....	7
2.2. PLANNED MODIFICATIONS TO THE SOLAR BLUE PROJECT CUP.....	7
2.3. CHANGES IN PROJECT CIRCUMSTANCES	9
3. CEQA ANALYSIS	11
3.1. INTRODUCTION	11
3.2. ENVIRONMENTAL EVALUATION	11

APPENDIX

A – MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
PD-1. REGIONAL LOCATION	2
PD-2. PROJECT VICINITY	3
PD-3. APPROVED SITE PLAN.....	4
PD-4. MODIFIED SITE PLAN	5

1. INTRODUCTION AND BACKGROUND

On June 7, 2021, the Kings County Planning Commission adopted the Initial Study/Mitigated Negative Declaration (IS/MND) on the Grape Solar Project (State Clearinghouse No. 2021030459) under the California Environmental Quality Act (CEQA)(hereinafter referred to as “2021 MND”). The 2021 MND provided CEQA review and clearance for the Planning Commission’s approval of Conditional Use Permit (CUP) No. 20-02 for the Grape Solar Project.

The CUP allows the Applicant (and any successor in interest for the life of the Project) to construct and operate a 250-megawatt (MW) photovoltaic (PV) solar generating facility, and including an electrical substation, a 250-MW battery storage facility, and an Operations and Maintenance (O&M) facility located on approximately 1,759 acres on the north side of Nevada Avenue approximately 0.5 mile west of State Route 41, specifically at 24998 Nevada Avenue, Lemoore (see Figures PD-1 and PD-2).

1.1. ACTION TRIGGERING THE ADDENDUM UNDER CEQA

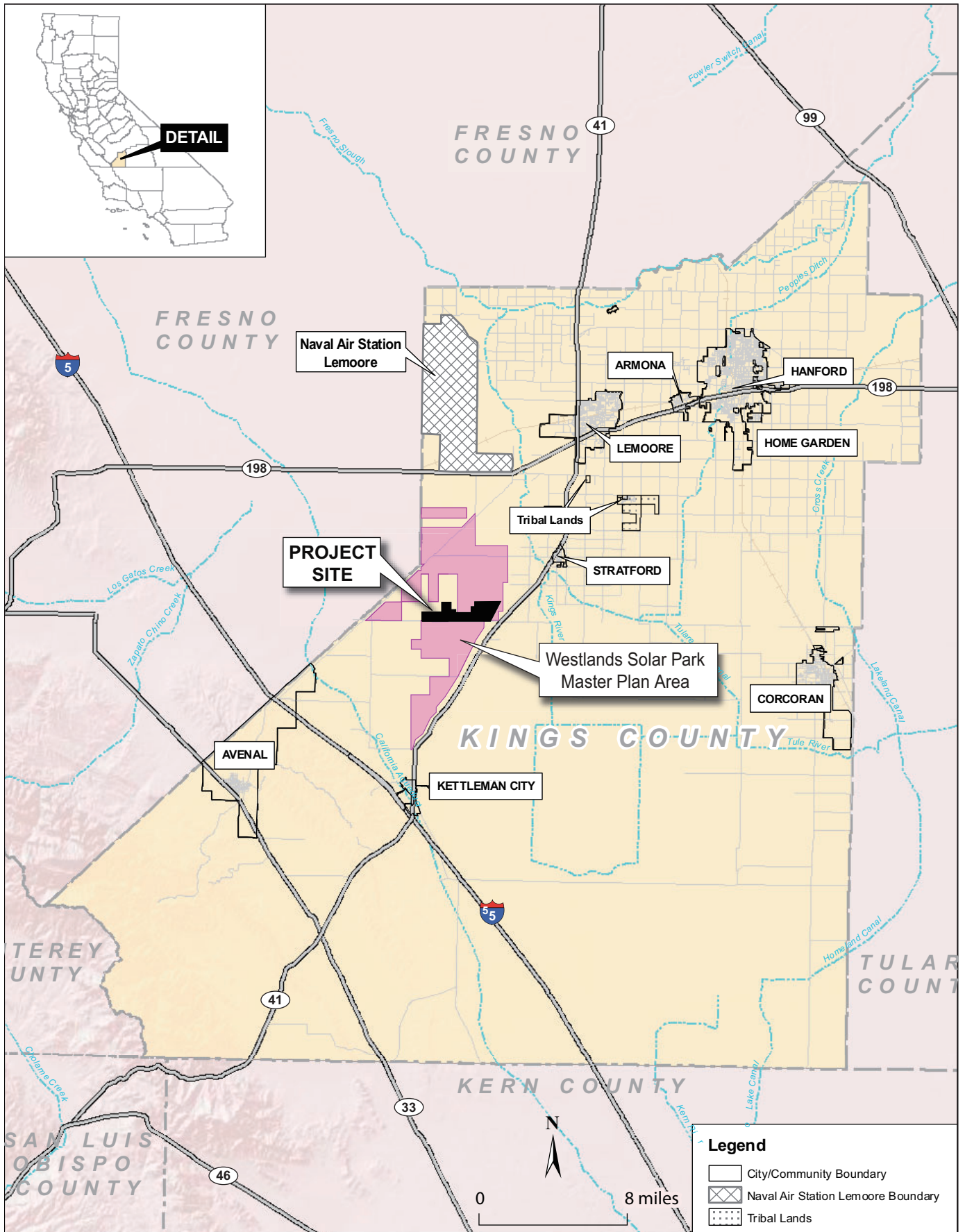
The approved CUP for the Grape Solar Project is proposed to be modified to reflect three substantive changes. These changes are listed below and described in detail subsequently in this section.

- 1) Revise the external boundaries of the Grape Solar Project site by way of an equal exchange of 640 acres with approved Cherry Solar Project adjacent to the west (see Figures PD-3 and PD-4);
- 2) Relocate the project operations center to a site located approximately 0.9 mile north near the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment;
- 3) Include in the modified CUP an approximately 9,600 square-foot steel building for the storage of spare parts.

This MND Addendum evaluates these planned modifications to the approved Grape Solar Project CUP. The Kings County Community Development Agency (CDA) has determined that, in accordance with Section 15164 of the State CEQA Guidelines, the planned changes to the Grape Solar Project from the project addressed in the 2021 MND warrants the preparation of an Addendum to update the analysis provided in the 2021 MND. The basis for this determination is discussed in detail below.

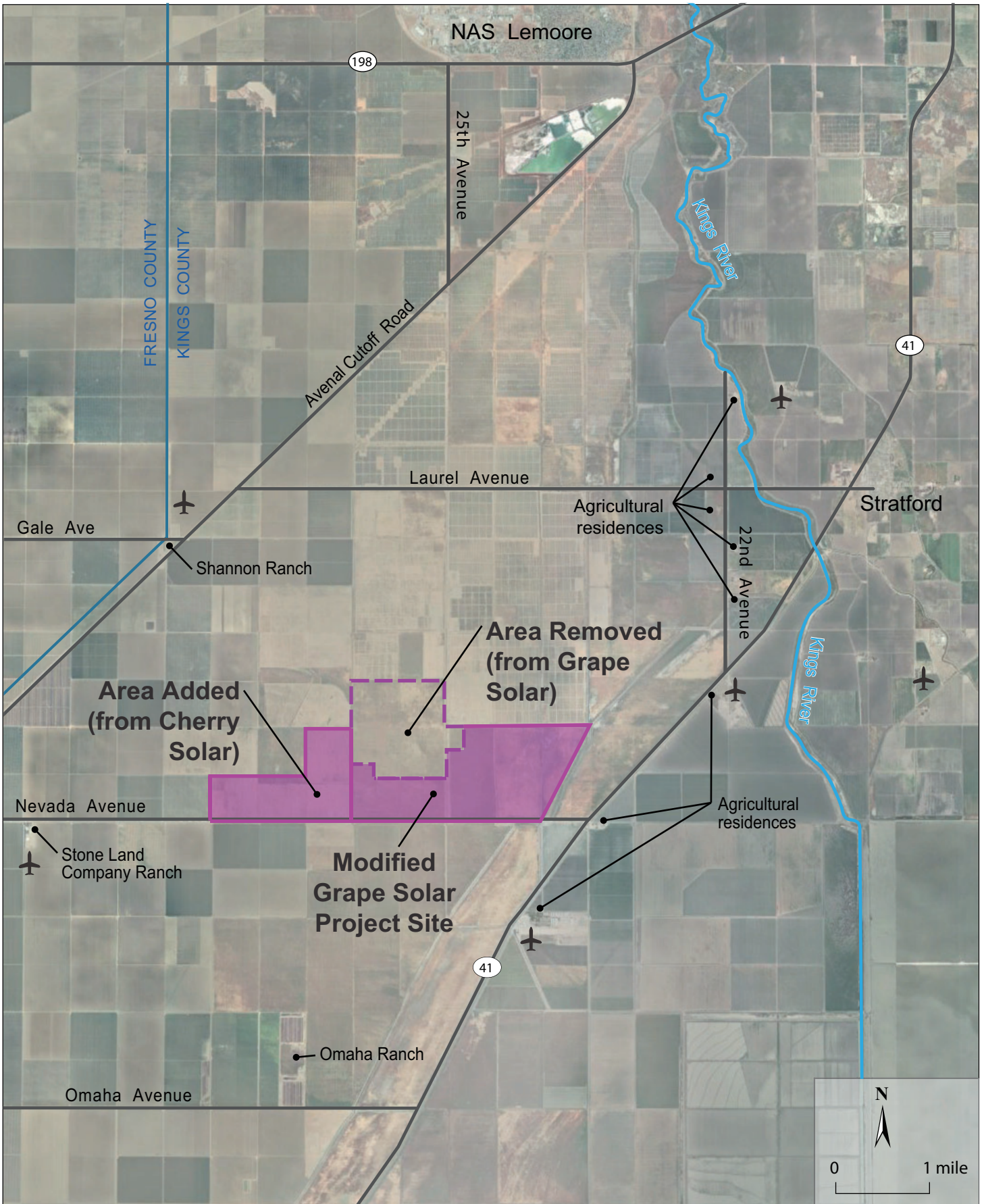
1.2. CEQA AUTHORITY FOR MND ADDENDUM

An Addendum is appropriate under Section 15164 of the State CEQA Guidelines where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration. The Kings County CDA has determined that an MND Addendum is the appropriate form of CEQA documentation because the proposed project modifications and changes in project circumstances would not result in any new significant or substantially more severe impacts than were identified in the 2021 MND.



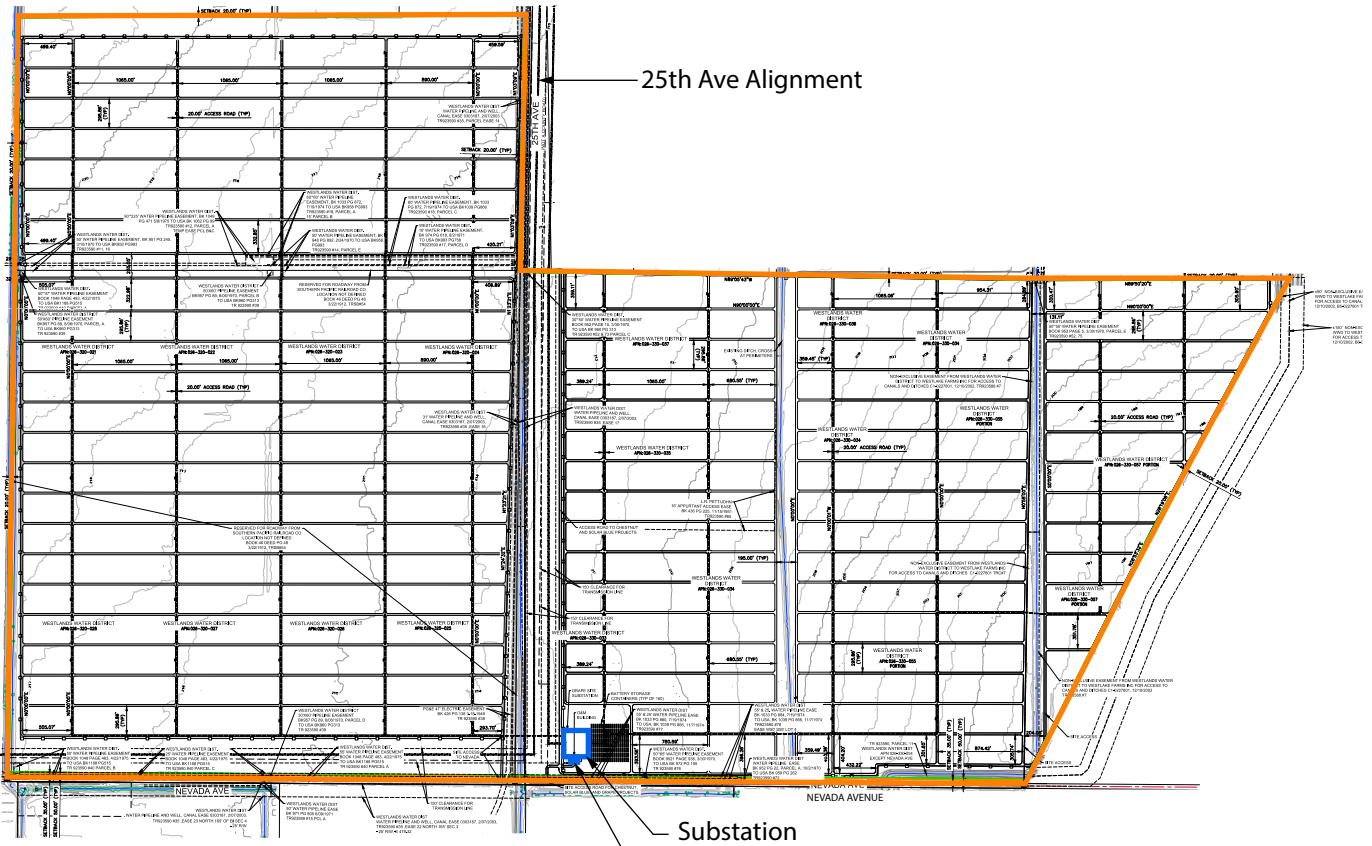
Source: Kings County Community Development Agency

Regional Location
Figure PD-1



Source: Google Earth, 2024

Project Vicinity
Figure PD-2



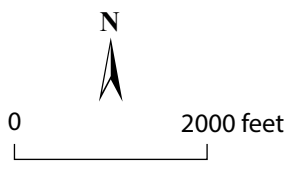
25th Ave Alignment

Substation

O&M building

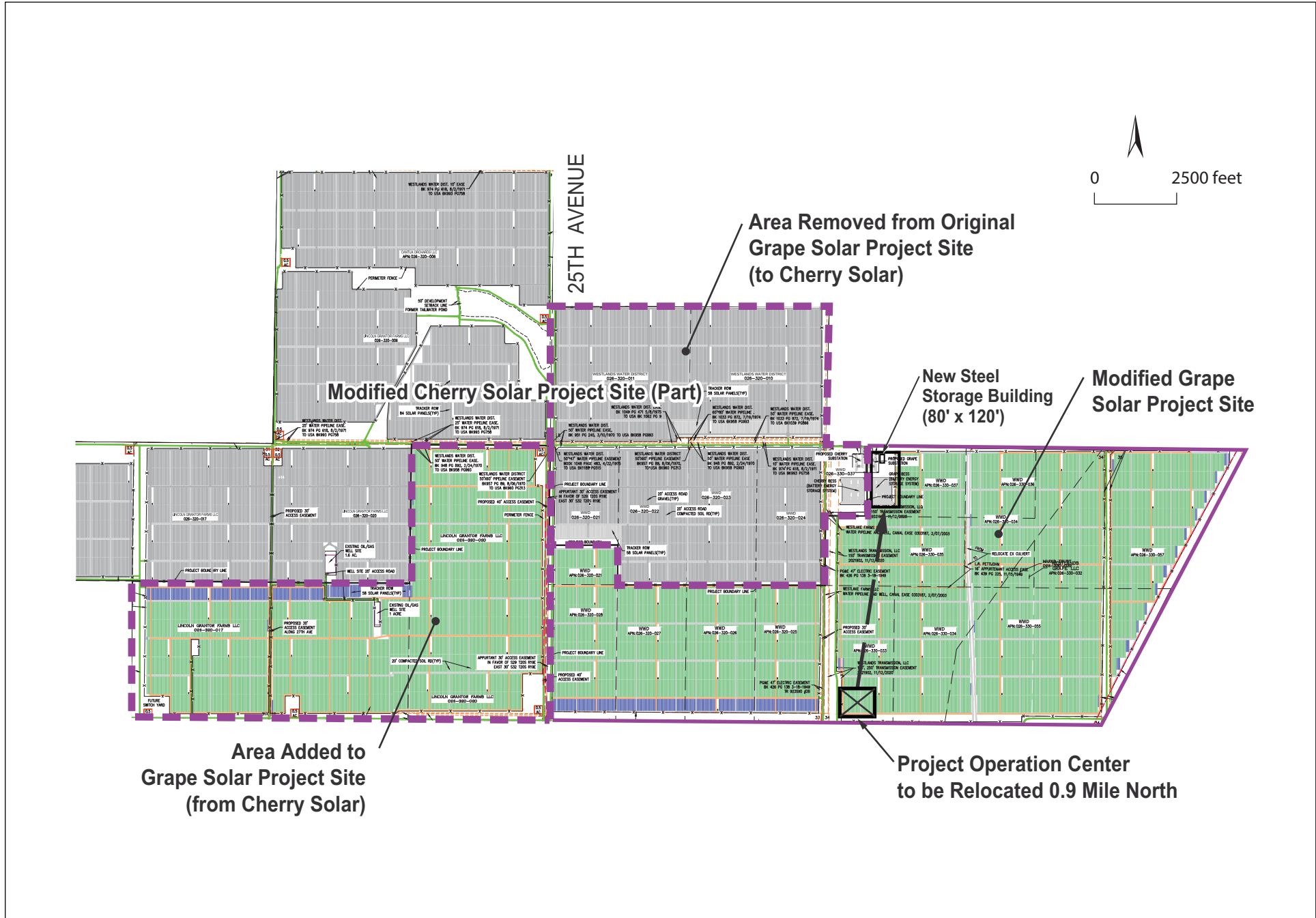
LEGEND

 Project boundary



Source: d/k Engineering; Stellavise

Approved Site Plan
Figure PD-3



Source: DK Engineering

Modified Site Plan
Figure PD-4

1.3. APPROACH TO CEQA REVIEW

This Addendum is intended to provide CEQA review for the modified Grape Solar Project, which includes changes to the previously approved CUP. This Addendum is organized with reference to the environmental topic areas in CEQA Guidelines Appendix G, which are evaluated to determine if any changed conditions associated with the proposed CUP modifications may result in a different environmental impact significance conclusion from the 2021 MND.

1.4. PREVIOUS ENVIRONMENTAL DOCUMENTS

The following CEQA documents are directly applicable to the consideration of the modified Westside Solar Project CUP:

- *Initial Study/Mitigated Negative Declaration, Grape Solar Project and Gen-Tie Line*, March 2021. SCH No. 2021030459. Adopted by Kings County Planning Commission, June 7, 2021.
- *Program EIR for the Westlands Solar Park Master Plan and Gen-Tie Corridors Plan*, Volumes I-II, October 2017. SCH No. 2013031043. Certified by Westlands Water District Board of Directors, January 16, 2018.

The Grape Solar Project is located within the Westlands Solar Park (WSP), a master planned solar complex covering approximately 20,938 acres in west-central Kings County. The WSP Master Plan and Gen-Tie Corridors Plan was prepared by the Westlands Water District (WWD) to provide policy guidance for the reuse of retired farmlands owned by WWD, which comprise approximately half of the Master Plan area. In compliance with State CEQA Guidelines Section 15168, the WWD prepared a Program EIR (PEIR) which addressed the potential environmental impacts associated with future solar development under the WSP Master Plan and Gen-Tie Corridors Plan. On January 16, 2018, the WWD Board of Directors certified the PEIR under CEQA and approved the WSP Master Plan and Gen-Tie Corridors Plan as a WWD policy document.

The PEIR on the WSP Master Plan and Gen-Tie Corridors Plan (hereafter “WSP Master Plan PEIR”) was prepared in close coordination with the staff of the Kings County Community Development Agency (CDA), in recognition of the County’s role as a responsible agency for the approval of Conditional Use Permits (CUPs) for individual solar generating facilities (SGFs) to be developed within the WSP Master Plan area. This approach was intended by both WWD and Kings County CDA to provide for the tiering of subsequent MNDs from the PEIR, as provided under CEQA Guidelines Section 15168 (see “Tiering under CEQA” below for further discussion). The Draft PEIR incorporated all revisions requested by the Kings County CDA with the express purpose of making the PEIR consistent with County policies and practices, and thus facilitating the ability of the Kings County Planning Commission to adopt subsequent MNDs that would be tiered from the certified PEIR. This would also enable the certified PEIR to be incorporated by reference into the subsequent MNDs prepared by Kings County (per CEQA Guidelines Section 15150), and would enable the Planning Commission’s consideration of the contents of the certified PEIR when adopting the subsequent MNDs for solar projects proposed within the WSP Master Plan area. Since 2018, the tiering of subsequent MNDs from the PEIR has been employed in connection with several CUP approvals for WSP solar projects including Aquamarine Solar, Solar Blue, Chestnut Solar, Cherry Solar, and the subject Grape Solar Project. Similarly, this MND Addendum incorporates by reference certain information and evaluation contained in the PEIR that is applicable to the Grape Solar Project and the proposed modifications to the project CUP, pursuant to CEQA Guidelines Section 15150.

2. PROJECT DESCRIPTION

2.1. OVERVIEW OF APPROVED PROJECT CUP

The approved CUP for the Grape Solar Project included a 250-MW solar PV generating facility, and an electrical substation, a 250-MW battery storage facility, and an Operations and Maintenance (O&M) facility on a 1,759-acre site generally located on the north side of Nevada Avenue approximately 0.5 mile west of State Route 41 (see Figures PD-1 and PD-2).

The solar generation from the Grape Solar Project is planned to be conveyed to the State's electrical grid via an approximately 15-mile long gen-tie line extending west to the Gates Substation on Jayne Avenue in Fresno County. The 8.7-mile long Kings County segment of the gen-tie line was previously approved by the Kings County Planning Commission as part of the Aquamarine Solar Project and Gen-Tie Line (CUP 17-04). This gen-tie line is intended to serve the Grape Solar Project as well as other solar projects within the Westlands Solar Park Master Plan area.

The 2021 MND on the Grape Solar Project included a comprehensive description of the planned solar facility including a detailed description of construction methods and inputs as well as a description of operational characteristics.

2.2. PLANNED MODIFICATIONS TO THE GRAPE SOLAR PROJECT CUP

The planned modifications to the Grape Solar Project CUP are described in detail below.

1. Exchange of Lands with Grape Solar Project

Approved Project

The approved Grape Solar Project is located on a 1,759-acre site located on the north side of Nevada Avenue between SR-41 and 26th Avenues. The approved Grape Solar Project includes the Assessor's Parcels listed in Table 1 on the next page (see also Figure PD-3).

Planned Project Modification

The approved project CUP is planned to be modified to revise the external boundaries of the Grape Solar Project site by way of an equal exchange of acreage with approved Cherry Solar Project adjacent to the west. This would involve the transfer of 640 acres from the Grape Solar Project to the Cherry Solar Project, and the transfer of 640 acres from the Cherry Solar Project to the Grape Solar Project (see Figure PD-4). The total gross area of the Grape Solar Project would remain exactly the same as the approved CUP acreage, at 1,759 acres.

Table 1**Grape Solar – CUP Modification – Revised APNs and Acreage Breakdown**

[CUP No. 20-02 – Approved June 7, 2021]

APN	Approved Grape CUP Acreage	Acres Exchanged with Cherry Solar		Modified Grape CUP Acreage
		To Cherry	From Cherry	
026-320-010	160	-160	--	0
-011	160	-160	--	0
-017	0	--	+160	160
-020	0	--	+480	480
-021	80	-57	--	23
-022	80	-80	--	0
-023	80	-80	--	0
-024	80	-80	--	0
-025	80	--	--	80
-026	80	--	--	80
-027	80	--	--	80
-028	80	--	--	80
026-330-032	6.51	--	--	6.51
-033	80	--	--	80
-034	137.52	--	--	137.52
-035	80	--	--	80
-036	40	--	--	40
-037	80	-23	--	57
-055	219.29	--	--	219.29
-057	155.87	--	--	155.87
Totals	1,759.19	-640	+640	1,759.19

2. Planned Change in Location of the Project Operations Center***Approved Project***

On the approved CUP site plan for the Grape Solar Project, the project operations center (consisting of the project substation, O&M facility, and a 250-MW battery storage facility) is planned to be located on an approximately 10-acre site on the north side of Nevada Avenue just east of 25th Avenue (see Figure PD-3).

Planned Project Modification

The approved project is planned to be modified to relocate the project operations center to a site located approximately 0.9 mile north near the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment (see Figure PD-4). No changes to the size or composition of the operations center are proposed. Under the modified plan, the previously approved site of the operations center would be utilized for solar arrays which would be equal to the area of solar arrays previously planned for the new planned location of the operations center. As such, there would be no change in the size of the solar collection fields or in any of the construction details related to the solar collection fields.

3. Planned Addition of Steel Storage Building

Approved Project

On the approved CUP site plan for the Grape Solar Project, the O&M facility does not include any storage buildings.

Planned Project Modification

The approved project is planned to be modified to include a steel building for the storage of spare parts. The steel storage building would be located in an open area of the O&M yard and would have a floor area of approximately 9,600 square feet, with dimensions of approximately 120 feet by 80 feet.

All other aspects of the modified project, such as construction and operational details, have not changed from the descriptions contained in the 2021 IS/MND. (See IS/MND Section 1.2. *Project Description* for a detailed description of project construction, operation, and decommissioning).

2.3. CHANGES IN PROJECT CIRCUMSTANCES

1. Changes to Project Setting

Project Setting in 2021

The approved project site consists of 1,759 acres of agricultural fields with no buildings or structures. Several former agricultural irrigation canals and ditches run alongside and within the project site, but these are no longer used and are also dry. Historically, the project site has been used for the cultivation of crops such as tomatoes, cotton, and wheat; and in recent years has been cultivated for winter wheat and left fallow during the dry season. The unimproved 25th Avenue alignment transects the central portion of the project site, and the 70-kV Henrietta to Tulare Lake sub-transmission line runs through the middle of the site from north to south along the 25th Avenue alignment. Several agricultural irrigation canals pass through and alongside the project site, and two agricultural water distribution pipelines owned and operated by Westlands Water District traverse the project site from west to east. There are no buildings, sheds, wells, or other structures on the Grape Solar Project site.

In 2021, all of the lands surrounding the project site (including the 640-acre area proposed to be added to the west side of the project site) consisted of agricultural lands planted in row crops or tree crops, with some fields fallowed seasonally. The structures in the vicinity included the Shannon Ranch complex (including 20 dwellings) located on Avenal Cutoff Road 2.4 miles northwest, and the Stone Land Company Ranch located 3.4 miles west on Nevada Avenue. The 250-MW Aquamarine Solar Project, located just over 1.0 mile north was completed in late 2021. A 230-kV gen-tie line running along the south side of Nevada Avenue opposite the Grape project site was also completed in 2021,

Project Setting in 2024

No physical changes have taken place on the Grape Solar Project site, apart from seasonal planting and harvesting of winter wheat, since 2021. Notable changes on adjacent lands include the completion of the 250-MW Solar Blue Project to the north and the 150-MW Castanea (formerly Chestnut) Solar Project to the northeast in 2023. No other substantial changes to surrounding lands have occurred since 2021.

2. New Information of Substantial Importance

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, the Addendum should address the project modifications in the context of new information which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete. In the relatively brief period since the MND was adopted in June 2021, no information of substantial importance related to the project's physical or regulatory context has emerged or been discovered, apart from the changes in the project setting described above. It is noted that since 2021 several new solar projects have been proposed in Kings County, which expands the list of pending, approved, and completed projects to be considered in the cumulative analysis. Accordingly, the updated cumulative analysis contained in Section 3.2., item 17. *Mandatory Findings of Significance* addresses the effect of these additional cumulative projects.

3. CEQA ANALYSIS

3.1. INTRODUCTION

This Addendum is organized with reference to the environmental topic areas in CEQA Guidelines Appendix G, which are evaluated to determine if any changed conditions associated with the proposed CUP modifications may result in a different environmental impact significance conclusion from the 2021 MND. In particular, the analysis is focused on making determinations as to whether any new or more severe significant environmental impacts may result from the proposed project modifications.

As described in Section 2.2., the proposed project modifications consist of the following elements:

Approved Project

The approved Grape Solar Project is located on a 1,759-acre site located on the north side of Nevada Avenue between SR-41 and 26th Avenue. The approved Grape Solar Project includes the Assessor's Parcels listed in Table 1 on the next page (see also Figure PD-3).

Planned Project Modification

- 1) Exchange of Lands with Cherry Solar Project: The approved project CUP is planned to be modified to revise the external boundaries of the Grape Solar Project site by way of an equal exchange of acreage with approved Cherry Solar Project adjacent to the west. This would involve the transfer of 640 acres from the Grape Solar Project to the Cherry Solar Project, and the transfer of 640 acres from the Cherry Solar Project to the Grape Solar Project (see Figure PD-4). The total gross area of the Grape Solar Project would remain exactly the same as the approved CUP acreage, at 1,759.19 acres.
- 2) Change in Planned Change Location of the Project Operations Center (consisting of substation, O&M facility, and battery storage area) to a site located approximately 0.9 mile north near the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment (see Figure PD-4).
- 3) Planned Addition of a Steel Storage Building: The building would be used for storage of spare parts and would be located in an open area of the O&M yard. The steel building would have a floor area of approximately 9,600 square feet, with dimensions of approximately 120 feet by 80 feet.

3.2. ENVIRONMENTAL EVALUATION

1) Aesthetics

The 2021 MND concluded that the project would not have a significant adverse visual or aesthetic effect and would not create a new source of substantial light or glare. In the modified project, the addition of the 640-acre parcel on the west, the relocated project operations center, and the new steel storage building would be located at least 0.9 mile from the nearest public road (Nevada Avenue) and at least 1.5 miles from the nearest residences (at the southeast corner of SR-41 and Nevada Avenue), where the visual, light, and glare effects upon the nearest receptors would be negligible. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a

less-than-significant visual and aesthetic impact remains valid and applicable to the modified Grape Solar Project.

2) **Agriculture and Forestry Resources**

The 2021 MND concluded that the project's potential impacts to agricultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures AG-1, AG-2, and AG-3 which would ensure concomitant agricultural production on the site for the life of the solar facility. In the modified project, the addition of the 640 acres of agricultural land on the west would be subject to the same Mitigation Measures (those measures were also mitigations for the Cherry Solar Project CUP which included the subject 640 acres). The relocation of the project operations center within the approved project footprint of the Grape Solar Project would not increase the potential impact to agricultural resources, which would be fully mitigated in the modified project as required. Neither the approved project nor the modified project would have any impact on forestry resources. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact upon agriculture and forestry resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

3) **Air Quality**

The 2021 MND concluded that the project's potential air quality impacts would be reduced to less than significant levels with the incorporation of Mitigation Measures AQ-1 which require the use of clean fleet construction equipment in order to reduce emissions of nitrogen oxides and particulate matter. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in air emissions relative to the approved project. The relocation of the project operations center within the project site would result in no increase in emissions, and the addition of the steel storage building would result in a negligible increase in emissions, relative to the approved project. Therefore, the proposed project modifications would not cause the project emissions to exceed any of the applicable air quality thresholds. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* air quality impact with the incorporation of specified mitigation remains valid and applicable to the modified Grape Solar Project.

4) **Biological Resources**

The 2021 MND concluded that the project's potential impacts to biological resources would be reduced to less than significant levels with the incorporation of Mitigation Measures BIO-1 through BIO-5 which would ensure that no special status species or other protected biological resources would be adversely affected by the project. The 640-acre area to be added to the Grape Solar Project site from the approved Cherry Solar Project site is subject to the same site conditions and would be required to implement the same mitigation measures for biological resources, and would remain subject to those mitigation measures upon joining the Grape Solar Project site. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact upon biological resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

5) **Cultural Resources**

The 2021 MND concluded that the project's potential impacts to cultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures CR-1 and CR-2 which would ensure that any previously undiscovered cultural resources or buried human remains would not be adversely affected by the project. The 640-acre area to be added to the Grape Solar Project

site from the approved Cherry Solar Project site is subject to the same site conditions and would be required to implement the same mitigation measures for cultural resources, and would remain subject to those mitigation measures upon joining the Grape Solar Project site. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact upon cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

6) **Energy**

The 2021 MND concluded that the project would not result in wasteful, inefficient, or unnecessary consumption of energy, and that the project would not conflict with or obstruct any plans for renewable energy or energy efficiency, and therefore would have a less-than-significant impact upon energy resources. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in energy consumption relative to the approved project. The relocation of the project operations center within the project site would result in no increase in energy consumption, and the addition of the steel storage building would result in a negligible increase in energy consumption, relative to the approved project. Therefore, the energy consumed by the modified project would not constitute a wasteful, inefficient, or unnecessary use of energy. In addition, since the project is a solar PV generating facility, it would produce electricity far more efficiently than a fossil-fueled power plant with the same generating capacity. As such, the project would help implement state and local plans for renewable energy. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* energy impact remains valid and applicable to the modified Grape Solar Project.

7) **Geology and Soils**

Geologic and Soils Hazards

The 2021 MND concluded that the project's potential geology and soils impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure GEO-1 which would ensure that the expansive soils present within the project site would be subject to corrective measures to mitigate potential damage to project structures. The 640 acres to be added to the Grape Solar Project site from the approved Cherry Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for geologic and soil hazards, and would remain subject to those mitigation measures upon joining the Grape Solar Project site. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact with respect to geologic and soils hazards with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

Paleontological Resources

The 2021 MND concluded that the project's potential impacts to paleontological resources would be reduced to less than significant levels with the incorporation of Mitigation Measure CR-2 which would ensure that any previously undiscovered fossiliferous materials would not be adversely affected by the project. The 640 acres to be added to the Grape Solar Project site from the approved Cherry Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for paleontological resources, and would remain subject to those mitigation measures upon joining the Grape Solar Project site. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact with respect to paleontological resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

8) Greenhouse Gas Emissions

The 2021 MND concluded that the greenhouse gas emissions generated by the project would have a less-than-significant effect on the environment. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in GHG emissions relative to the approved project. The relocation of the project operations center within the project site would result in no increase in GHG emissions, and the addition of the steel storage building would result in a negligible increase in GHG emissions, relative to the approved project. In addition, since the project is a solar PV generating facility, it would result in far less GHG emissions than a fossil-fuel powered plant with the same generating capacity. As such, the project would help implement plans and policies aimed at reducing greenhouse gas emissions. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact in terms of greenhouse gas emissions remains valid and applicable to the modified Cherry Solar Project.

9) Hazards and Hazardous Materials

The 2021 MND concluded that the project's potential hazards and hazardous materials impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure HAZ-1 which would ensure the implementation of a Hazardous Materials Business Plan (HMBP) which would provide for the safe storage, handling, and disposal of hazardous materials within the project. The 2021 MND concluded that the project's potential exposure to valley fever would be reduced to less than significant levels with the incorporation of Mitigation Measure HAZ-2 which would ensure the implementation of a Dust Control Plan, and the distribution of respiratory protection to workers, which would reduce the potential for exposure to valley fever spores at the project site. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not increase the potential hazards and hazardous materials impacts or the potential exposure to valley fever, both of which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* hazards and hazardous materials impact and a *less-than-significant* in terms of exposure to valley fever with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

10) Hydrology and Water Quality

The 2021 MND concluded that the project's potential hydrology and water quality impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure HYD-1 which would ensure that the implementation of a Storm Water Pollution Prevention Plan (SWPPP) which would require the application of specified Best Management Practices to prevent erosion and sedimentation during grading and construction for the project. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not increase the potential hydrology and water quality impacts, which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* hydrology and water quality impact with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

11) Land Use and Planning

The 2021 MND concluded that the project would have no impact in terms of land use and planning. In the modified project, the 640-acre area to be added to the Grape Solar Project site from the approved Cherry Solar Project site is subject to the same site conditions and would not fundamentally alter the land uses or the overall land use configuration planned for the project, and thus no new land use and planning impact would result. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have *no impact* in terms of land use and planning remains valid and applicable to the modified Grape Solar Project.

12) Mineral Resources

The 2021 MND concluded that the project would have no impact in terms of potential loss of important mineral resources. In the modified project, the 640-acre area to be added to the Grape Solar Project site from the approved Cherry Solar Project site is subject to the same site conditions and would not raise the potential for new impacts to mineral resources on lands which were not previously evaluated. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have *no impact* in terms of potential loss of important mineral resources remains valid and applicable to the modified Grape Solar Project.

13) Noise

Construction Noise

The 2021 MND concluded that the construction activity on the project site would not have a significant noise impact at the nearest residential locations. In the modified project, the reconfigured site would be located adjacent to Nevada Avenue, as in the original project plan, and would be at least 1.5 miles from the nearest residences (at the southeast corner of SR-41 and Nevada Avenue), where the construction noise would be barely audible above ambient noise levels. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact due to construction noise remains valid and applicable to the modified Solar Blue Project.

Construction Traffic Noise

The 2021 MND concluded that the noise generated by project traffic during the peak construction period would have a less-than-significant noise impact at the most affected residential receptors along the travel routes to the project site. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact due to construction traffic noise remains valid and applicable to the modified Grape Solar Project.

Operational Noise

The 2021 MND concluded that the noise generated during project operation would have a less-than-significant noise impact at the most affected residential receptors. The source of the highest noise levels would be the HVAC systems associated with the battery energy storage system (BESS) located in the project operations center. In the approved Grape Solar Project, the BESS would be located 2.5 miles from the nearest residences at the Shannon Ranch, where the noise level from the BESS would be 47 dBA L_{max}/L_{eq} which would be well below the County's 75 dBA L_{max} and 55 dBA L_{eq} noise limits for residential uses. In the modified project, the relocated project operations center and BESS would be located at least 1.5 miles from the nearest residential receptor to the southeast at the southeast corner of Nevada Avenue and SR-41. The noise level at the nearest residence would be 49 dBA

L_{max}/L_{eq} which would also be well below the County's noise limits for residential uses. All other noise sources from project operation would result in lower than 49 dBA at the nearest residences. Therefore, the planned change in location of the operations center within the project site would result in a negligible difference in noise levels at the nearest receptors compared with approved Grape Solar Project. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact due to operational noise remains valid and applicable to the modified Grape Solar Project.

14) **Population and Housing**

Population Inducement

The 2021 MND concluded that the project would have no impact in terms of inducement of unplanned population. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project and the planned change in location of the operations center would require no additional construction workers beyond those reported in the 2021 MND, and the addition of the steel storage building would result in negligible additional construction workers, if any. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have *no impact* in terms of population inducement remains valid and applicable to the modified Grape Solar Project.

Housing Displacement

The 2021 MND concluded that the project would have no impact with regard to displacement of existing people or housing. In the modified project, the 640-acre area to be added to the site on the west contains no dwellings. Since there are no dwellings within 1.0 mile of the modified project site, the project would not result in displacement of people or housing. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have *no impact* with regard to displacement of existing people or housing remains valid and applicable to the modified Grape Solar Project.

15) **Public Services**

The 2021 MND concluded that the project would have no impact in terms of necessitating new or expanded facilities for public services such as police and fire protection, schools, and other services. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no change in demand for public services relative to the approved project. The relocation of the project operations center within the project site and the addition of the steel storage building would likewise result in no change in demand for public services. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have *no impact* in terms of necessitating new or expanded facilities for public services remains valid and applicable to the modified Grape Solar Project.

16) **Recreation**

The 2021 MND concluded that the project would have no impact due to increased use and deterioration of existing recreational facilities, or due to the construction of new recreational facilities. The modified project would not require additional construction workers or operational staff and thus would not increase demand for recreation in the area. In addition, the modified project would not include or require the construction of any recreational facilities. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have *no impact* with respect to recreational facilities remains valid and applicable to the modified Grape Solar Project.

17) Transportation*Level of Service Policies*

With respect to the applicable Level of Service policies, the 2021 MND concluded that project construction traffic would have a less-than-significant impact in terms of exceeding roadway capacity on the affected travel routes, and thus would not result in unacceptable service levels during the construction period. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the conclusion of the 2021 MND that the traffic generated during project construction would result in a *less-than-significant impact* in terms of conflicts with Level of Service policies is still valid and applicable to the modified Grape Solar Project.

Vehicle Miles Traveled

The 2021 MND concluded that the Grape Solar Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b), which relates to Vehicle Miles Traveled (VMT), and therefore the project impact under this criterion would be less than significant. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. The very small temporary increment in Kings County VMT resulting from the addition of the steel storage building would not be substantial, and would not alter the conclusion that the VMT impacts from the project as a whole would be less than significant. Therefore, the conclusion of the 2021 MND that the project construction VMT would result in a *less-than-significant impact*, and therefore the project would not conflict with CEQA Guidelines Section 15064.3(b), is still valid and applicable to the modified Grape Solar project.

Traffic Safety

The 2021 MND concluded that the project's potential traffic safety impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure TR-1 which would ensure the preparation and implementation of traffic control plans to provide for traffic safety on public roadways affected by project construction. As discussed above, the modified project would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the modified project would not increase the potential traffic safety impacts, which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* traffic safety impact with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

18) Tribal Cultural Resources

The 2021 MND concluded that the project's potential impacts to tribal cultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures CR-1 and CR-2 which would ensure that any previously undiscovered cultural resources or buried human remains would not be adversely affected by the project. In the modified project, the 640-acre area to be added to the Grape Solar Project site from the approved Cherry Solar Project site is subject to the same site conditions and would be required to implement the same mitigation measures for tribal

cultural resources, and would remain subject to those mitigation measures upon joining the Grape Solar Project site. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact upon tribal cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

19) Utilities and Service Systems

The 2021 MND concluded that the project would have less-than-significant impacts with respect to public utilities and service systems such as water supply, wastewater treatment, solid waste disposal, and other utilities. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no change in demand for utilities and service systems relative to the approved project. The relocation of the project operations center within the project site and the addition of the steel storage building would likewise result in no change in demand for utilities and service systems. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact on utilities and service systems remains valid and applicable to the modified Grape Solar Project.

20) Wildfire

The 2021 MND concluded that since the project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity hazard, the project impact with regard to wildfire would be less than significant. In the modified project, the 640-acre area to be added to the Grape Solar Project site from the approved Cherry Solar Project site is subject to the same low potential for wildfire conditions, and the modified project would not introduce new project elements that could increase the potential wildfire risk. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact with regard to wildfire remains valid and applicable to the modified Grape Solar Project. .

21) Mandatory Findings of Significance

Potential to Substantially Reduce Wildlife Species or Habitat, or Eliminate Important Cultural Resources

The 2021 MND concluded that the project's potential impacts to biological and cultural resources would be reduced to less-than-significant levels with the implementation of mitigation measures identified in the MND. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not raise the potential for new impacts related to biological and cultural resources which were not previously evaluated, and any impacts to those resources would be fully mitigated by measures identified in the MND. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would have a *less-than-significant* impact upon biological and cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Grape Solar Project.

Cumulative Impacts

The 2021 MND evaluated the potential cumulative effects of all pending, approved, and completed projects in terms of all environmental topics in the CEQA Guidelines Appendix G Checklist. For each topic, the MND concluded that the cumulative impact was not significant or the project contribution to a cumulative impact was not cumulatively considerable, either without mitigation or with mitigation incorporated into the project. The 2021 MND considered the cumulative effects of the projects that were known in November 2020. Since then, the County's list of cumulative projects has grown to include four new solar and battery projects representing an additional 408 MW of

generation/storage, on 2,167 additional acres. However, this is somewhat offset by the withdrawal of other pending projects totaling 200 MW on 2,127 acres. In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not result in an appreciable increase the level of project-specific impacts in any environmental category, as discussed in detail in the foregoing analysis. Further, the negligible increase in potential impacts resulting from the project modifications would not rise to the level of being cumulatively considerable. (It is noted that in order for a project's impacts to be found to be cumulatively significant under CEQA, the project contribution to a cumulative impact must be found to be cumulatively considerable.) As such, the modified project would not result in a new significant cumulative impact or substantially increase the severity of a cumulative impact beyond that reported in the 2021 MND. Therefore, the conclusion of the 2021 MND that the cumulative impacts associated with the Grape Solar Project would be *less-than-significant* impact remains valid and applicable to the modified Grape Solar Project.

Substantial Adverse Effects on Human Beings

The 2021 MND concluded that the project's potential adverse effects on human beings would be reduced to less than significant levels with the incorporation of a several mitigation measures identified in the MND, or as otherwise required by existing laws and regulations, which would protect the health and safety of individuals. In the modified project, In the modified project, the exchange of 640 acres with the adjacent Cherry Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not raise new health and safety concerns, which in any case would be adequately addressed through implementation of previously identified mitigations and regulatory requirements. Therefore, the conclusion of the 2021 MND that the Grape Solar Project would not have the potential to result in significant effects which would cause substantial adverse effects on human beings, either directly or indirectly, remains valid and applicable to the modified Grape Solar Project.

APPENDIX A

Mitigation Monitoring and Reporting Program (MMRP)

April 2021 (Revised June 2021)

(Unchanged for June 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

GRAPE SOLAR PROJECT CUP 20-02

COUNTY OF KINGS, CALIFORNIA

APRIL 2021 (REVISED JUNE 2021)
(UNCHANGED FOR 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<p>Mitigation Measure AG-1: Agricultural Management Plan. Prior to the issuance of a building permit, the applicant shall submit to Kings County an Agricultural Management Plan (AMP) that provides for the ongoing agricultural productivity of the entire project site for the life of the project. The AMP shall specify that at least 90 percent of this area of the site shall be vegetated with grasses and forbs and shall be managed for dry farm seasonal sheep grazing. The AMP shall include specific provisions for soil preparation and revegetation including specifications for a seed mix which is appropriate to the soil and climatic conditions in the absence of irrigation, methods of avoiding invasive species, and a list of acceptable vegetation that meets the dietary needs of sheep. The AMP shall include detailed provisions to ensure the successful establishment of the planned vegetative cover, and shall identify appropriate maintenance activities, including conditions under which herbicides may be used, and particularly the identification and selection of herbicides that are non-toxic to livestock and wildlife. The AMP shall also prescribe the management practices for sheep grazing. The AMP shall include provisions for ongoing monitoring and annual reporting of agricultural activity on the site to the Kings County Community Development Agency. The AMP shall also comply with the requirements of the Kings County Development Code related to weed abatement and pest control.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit AMP to Kings County CDA.</p> <p><u>During Project Operation:</u> Implement AMP as approved by Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County Community Development Agency (CDA).</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that AMP is complete and in compliance with County requirements.</p> <p><u>During Project Operation:</u> Field inspections to verify implementation of AMP as approved.</p>	
<p>Mitigation Measure AG-2: Soil Reclamation Plan. Prior to the issuance of a building permit, the applicant shall submit, for review and approval by the Kings County Community Development Agency, a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life. The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate its pre-project condition, including: (1) removal of all above-ground and below-ground project fixtures, equipment, and non-agricultural driveways; (2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; (3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and (4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff until the entire project area has been restored to equivalent conditions. All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit Soil Reclamation Plan to Kings County CDA.</p> <p><u>During Project Decommissioning:</u> Implement Soil Reclamation Plan as approved by Kings County CDA</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that Soil Reclamation Plan is complete and in compliance with County requirements.</p> <p><u>During Project Decommissioning:</u> Field inspections to verify implementation Soil Reclamation Plan as approved.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<p><u>Mitigation Measure AG-3: Financial Assurance.</u> Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer’s Cost Estimate, approved by the Kings County Community Development Agency, to ensure completion of the activities under the Soil Reclamation Plan. Every 5 years from the date of completion of construction of the project, the applicant shall submit an updated Engineer’s Cost Estimate for financial assurances for the Plan, which will be reviewed every 5 years by the Kings County Community Development Agency to determine if amount of the assurances is sufficient to implement the Plan. The amount of the assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Submit financial assurance to Kings County CDA.</p> <p><u>Every Five Years:</u> Prepare and submit revised Engineer’s Cost Estimate, and submitted adjusted financial assurance to Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that acceptable financial assurance has been provided.</p> <p><u>Every Five Years:</u> Verify completion of revised Engineer’s Cost Estimate and confirm adjustment of the amount of assurance.</p>	
4.3. AIR QUALITY			
<p><u>Mitigation Measure AQ-1:</u> Apply requirements of Indirect Source Review Rule (9510) that would require emission reductions of 20 percent for NOx and 45 percent for PM₁₀ (would also reduce PM_{2.5}). To the extent feasible, this is to be achieved by requiring that off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours meet either U.S. EPA Tier 3 or Tier 4 engine standards for emissions of nitrogen oxides and particulate matter. Any required emissions reductions that cannot be achieved by the use of Tier 3 and Tier 4 equipment shall be subject to ISR fees, as determined by the San Joaquin Valley Air Pollution Control District, to fund off-site mitigations to achieve the remaining required emissions reductions.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Project Construction:</u> Utilize Tier 3 or Tier 4 equipment to the extent practicable.</p> <p>Maintain daily records of equipment use, including daily hours of Tier 3 and Tier 4 equipment use, by equipment type.</p>	<p><u>Monitoring Agency:</u> Kings County Public Works Department.</p> <p><u>Actions:</u></p> <p><u>During Project Construction:</u> Field inspections to verify utilization of Tier 3 or Tier 4 equipment.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: San Joaquin Kit Fox Protection. In order to minimize the potential for impacts to San Joaquin kit fox, the following measures shall be implemented in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys shall be conducted in accordance with the “U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance” (USFWS 2011). The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>b. <u>Kit Fox Avoidance Measures.</u> Should San Joaquin kit fox be found using the Grape Solar Project site during preconstruction surveys, the construction activity shall avoid the habitat occupied by kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified.</p> <p>c. <u>Employee Education Program.</u> Prior to the start of construction, the applicant shall retain a qualified biologist to conduct an on-site training session to educate all construction staff on the San Joaquin kit fox. This training shall include a description of the San Joaquin kit fox, a brief summary of their biology; and a list of minimization measures and instructions on what to do if a San Joaquin kit fox is observed within the Grape Solar Project site.</p> <p>d. <u>Minimization of Potential Disturbance to Kit Fox.</u> Whether or not kit foxes are found to be present, all permanent and temporary construction activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor/ Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If kit fox found on or near site, undertake avoidance measures and notify USFWS and CDFW; 3) Direct qualified biologist to conduct employee education program;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that avoidance measures have been implemented if kit fox found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>The full list of protection measures required by the USFWS during construction and operation contained in USFWS Standardized Recommendations (USFWS 2011), and is presented in Table BIO-1. The protection measures set forth in Table BIO-1 are fully incorporated into this mitigation measure by reference.</p> <p>e. <u>Mortality Reporting</u>. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p> <p>f. <u>Wildlife-friendly Fencing</u>. The perimeter fencing surrounding each phase of the Grape Solar Project shall consist of wildlife-friendly or permeable fencing that allows San Joaquin kit fox and other wildlife to move through the site unimpeded. The bottom of the perimeter fencing shall be 5 to 7 inches above the ground, as measured from the top of the ground to the lowest point of the fence. The bottom of the fence edges shall be knuckled (wrapped back to form a smooth edge) to allow wildlife to pass through safely. The fencing shall not be electrified.</p>	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Install wildlife-friendly fencing; 2) Implement disturbance minimization measures, as specified; 3) Report any kit fox mortalities as specified. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Report any kit fox mortalities as specified. 	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Conduct field inspections to verify installation of wildlife friendly fencing; 2) Conduct field inspections to confirm disturbance minimization measures have been implemented; 3) Verify that any kit fox mortalities have been reported as required. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Verify that any kit fox mortalities have been reported as required. 	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Table BIO-1

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS

(Continued on next page.)

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Table BIO-1 (Cont'd)

**U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE
CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, California Department of Fish and Wildlife (CDFW), and revegetation experts.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. The USFWS should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<p><u>Mitigation Measure BIO-2: Protection for Nesting Raptors and Migratory Birds (including Tricolored Blackbirds).</u> In order to minimize the construction disturbance to active raptor and other migratory bird nests, including tricolored blackbirds, the following measures shall be implemented in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> If tree removal, site preparation, grading, or construction is planned to occur within the breeding season (February 1 - August 31, or February 1 – September 15 for tricolored blackbirds), a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 10 days of the onset of these activities. Pre-construction surveys shall be repeated if construction halts for more than 10 days. If construction activity is planned to commence outside the breeding period, no pre-construction surveys are required for nesting birds and raptors, including tricolored blackbirds.</p> <p>b. <u>Monitoring Active Nests.</u> Should any active nests be discovered in or near planned construction zones, a qualified biologist shall continuously monitor identified nests for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, stop the work causing that change and consult with the California Department of Fish and Wildlife for additional avoidance and minimization measures.</p> <p>c. <u>Exclusion Zones for Active Nests.</u> Alternatively, should any active nests be discovered in or near the planned construction zones, the biologist shall establish a 250-foot construction-free buffer around the nest for non-listed birds, 300-foot buffer for tricolored blackbirds, 500-foot buffer for unlisted raptors, and a half-mile for listed bird species. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged. Variance from these setback distances may be allowed if a qualified biologist provides compelling biological or ecological reason to do so and if CDFW is notified in advance of implementation of a no disturbance buffer variance.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction and operations workers on the Grape Solar Project shall be trained by a qualified biologist. The tailgate training shall include a description of the Migratory Bird Treaty Act, instructions on what to do if an active nest is located, and the importance of capping pipes and pipe-like structures standing upright in order to avoid birds falling into the pipes and getting stuck. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to monitor nest(s) and notify CDFW, as needed; <u>OR</u> 3) Authorize biologist to establish exclusion zone around nest(s), as needed; 4) Direct qualified biologist to conduct employee education program;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that nest protection measures have been implemented if nest(s) found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>e. <u>Capping of Hollow Poles and Posts</u>. Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow tubes or poles be utilized on the Grape Solar Project site, the poles shall be capped immediately after installation to prevent entrapment of birds.</p> <p>f. <u>Incidental Take Authorization for Tricolored Blackbird</u>. In the event that a TRBL nesting colony is detected during surveys, and if avoidance of the colony is not feasible, an Incidental Take Permit (ITP) may be required, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities. Initiation of the ITP process requires consultation with CDFW regarding implementation.</p>	<p><u>During Construction:</u> 1) Ensure that all hollow poles and posts are capped.</p>	<p><u>During Construction:</u> 1) Conduct field inspection to confirm capping of poles and posts.</p>	
<p>Mitigation Measure BIO-3: Burrowing Owl Protection. In order to minimize the potential for impacts to burrowing owls, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Grape Solar Project:</p> <p>a. <u>Pre-Construction Surveys</u>. Pre-construction surveys shall be conducted by a qualified biologist no more than 14 days prior to the onset of ground-disturbing activity. Pre-construction surveys shall be repeated if construction halts for more than 14 days. These surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012) or the most recent CDFW guidelines. The surveys shall cover all areas of suitable habitat within the planned construction zones.</p> <p>b. <u>Avoidance of Active Nests during Breeding Season</u>. If pre-construction surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a minimum disturbance-free buffer of 250 feet shall be established around all active owl nests. The specific dimensions of the exclusion zone needed in each case to prevent nest failure or harm to individual owls shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. The buffer zones shall be enclosed with temporary fencing, and construction equipment and workers shall not be allowed to enter the enclosed setback areas. These buffer zones shall remain in place for the duration of the breeding season. After the breeding season (i.e., once all the young have left the nest), passive relocation of any remaining owls may take place, but only under the conditions described below.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>c. <u>Avoidance of Occupied Burrows during Non-Breeding Season, and Passive Relocation of Resident Owls.</u> During the non-breeding season (September through January), any burrows occupied by resident owls in areas planned for construction shall be protected by a minimum disturbance-free buffer with a radius of 150 feet around each active burrow. The specific dimensions of the exclusion zone in each case shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. Passive relocation of resident owls is not recommended by CDFW where it can be avoided. If passive relocation is not avoidable, resident owls may be passively relocated according to a relocation plan prepared by a qualified biologist.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a burrowing owl is observed within or near a construction zone.</p>	<p>3) Direct qualified biologist to conduct employee education program; 4) Implement mitigation, as needed, per recommendation of qualified biologist.</p>	<p>3) Verify completion of employee education prior to ground disturbing activities; 4) Verify implementation of any required mitigation.</p>	
<p>Mitigation Measure BIO-4: Swainson's Hawk Protection. In order to minimize the potential for impacts to Swainson's hawks, the following measures shall be implemented, as necessary, in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Pre-Construction Surveys.</u> During the nesting season prior to the construction of the Grape Solar Project within a half-mile of a potential nest tree, preconstruction surveys shall be conducted within the construction zones and adjacent lands to identify any nesting pairs of Swainson's hawks. These surveys will conform to the guidelines of CDFW as presented in <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>, Swainson's Hawk Technical Advisory Committee, May 31, 2000. No preconstruction surveys are required for construction activity located farther than a half-mile from a potential nest tree. (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys;</p> <p>(Continued)</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys;</p> <p>(Continued)</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>b. <u>Establish Buffers</u>. Should any active nests be discovered within 0.5 mile of proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the nest. The radius of the required buffer zone is to extend up to 0.5 mile from an active nest, with the required distance in each case to be determined by qualified biologist based on the circumstances of each case. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged.</p> <p>c. <u>Tailgate Training</u>. All workers on the construction of the project shall attend tailgate training that includes a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a Swainson's hawk is observed on or near the construction zone.</p> <p>d. <u>Replacement of Raptor Nest Trees</u>. If the project involves the unavoidable removal of known raptor nest trees, even outside the nesting season, such trees shall be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity.</p>	<p>2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p>3) Direct qualified biologist to conduct employee education program.</p>	<p>2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
<p>Mitigation Measure BIO-5: American Badger Mitigation. The following measures shall be implemented to minimize impacts to the American badger, as necessary, in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Preconstruction Surveys for American Badger</u>. During the course of pre-construction surveys prescribed for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, a report shall be written to the applicant so stating and no other mitigations for the protection of badgers would be warranted.</p> <p>b. <u>Avoidance of Active Badger Dens and Monitoring</u>. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that the badger(s) have vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active den(s) found on or near site, authorize biologist to establish exclusion zone(s) around den(s), and to monitor den(s) until end of breeding period.</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<p><i>(Continued from preceding page.)</i></p> <p>The monitor shall be required on-site until it is determined that young are of an independent age and construction activities would not harm individual badgers.</p> <p>c. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if an American Badger is observed.</p>	<p>3) Direct qualified biologist to conduct employee education program</p>	<p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
4.5 CULTURAL RESOURCES			
<p><u>Mitigation Measure CR-1: Protection of Cultural Resources.</u> In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Grape Solar Project:</p> <p>a. <u>Cultural Resources Alert on Project Plans:</u> The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.</p> <p>b. <u>Pre-Construction Briefing:</u> The project proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found.</p> <p>c. <u>Stop Work Near any Discovered Cultural Resources:</u> The project proponent shall retain a professional archaeologist on an "on-call" basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Place Cultural Resources Alert on project plans.</p> <p><u>Prior to Construction:</u> 1) Arrange for Tribe to conduct pre-construction briefing.</p> <p><u>During Construction:</u> 1) If cultural resources discovered, establish 100-foot setback zone and contact archaeologist and Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Confirm Cultural Resources Alert has been placed on project plans.</p> <p><u>Prior to Construction:</u> 1) Verify Tribe has completed briefing prior to construction.</p> <p><u>During Construction:</u> 1) Coordinate with applicant/contractor and archaeologist to ensure protection of cultural resources.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>d. <u>Mitigation for Discovered Cultural Resources:</u> If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria's Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.</p> <p>e. <u>Native American Monitoring:</u> Prior to any ground disturbance, the project proponent shall offer the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during both construction and decommissioning. Tribal participation would be dependent upon the availability and interest of the Tribe.</p> <p>f. <u>Disposition of Cultural Resources:</u> Upon coordination with the Kings County Community Development Agency, any pre-historic archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.</p>	<p>2) Coordinate with Kings County CDA, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Coordinate with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with Kings County CDA and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	<p>2) Coordinate with applicant, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Verify applicant has coordinated with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with applicant and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<p><u>Mitigation Measure CR-2: Protection of Buried Human Remains.</u> In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Grape Solar Project:</p> <p>a. Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop in the vicinity of the find and the Kings County Coroner shall be notified immediately. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD). The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p> <p>b. Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, engage project archaeologist and coordinate with Kings County CDA in implementing the legally required actions as specified in the mitigation measure.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, coordinate with applicant and archaeologist to ensure that all legally required actions are implemented.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
<p><u>Mitigation Measure GEO-1: Expansive Soils within Grape Solar Project Site.</u> Prior to the issuance of the first building permit for each phase of the Grape Solar Project, the applicant shall retain a qualified registered civil engineer to prepare a preliminary soils report, based on soil borings or excavations, to determine the potential for soils expansion and to prepare recommendations for corrective actions to mitigate potential damage to project structures due to potential soils expansion. The preliminary soils report shall be submitted to Kings County Community Development Agency Building Division for review and approval. The potential damage from soils expansion can be reduced by one or more of several alternative engineering measures, as recommended by the registered civil engineer. These measures could include: overexcavation and replacement with non-expansive soils; extending foundations below the zone of shrink and swell; chemically treating the soils with quicklime or cement; or foundation design measures. The corrective measures specified would become conditions of Building Permit approval and would be subject to inspection and approval by the Kings County Building Official.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <p>1) Authorize engineer to prepare soils report; 2) Submit soils report to Kings County CDA for review and approval.</p> <p><u>During Construction:</u></p> <p>1) Implement soils engineering measures recommended in soils report.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <p>1) Review and approve soils report as appropriate.</p> <p><u>During Construction:</u></p> <p>1) Conduct field inspections to verify implementation of soils engineering measures.</p>	
<p><u>Mitigation Measure GEO-2: Protection of Paleontological Resources.</u> In order to avoid the potential for impacts to paleontological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Preparation of PRMMP.</u> Prior to commencement of any grading on the site, a professional paleontologist shall be retained to prepare a Paleontological Resource Monitoring and Mitigation Plan (PRMMP). The PRMMP shall include: detailed recommendations on monitoring locations; a description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. A curation agreement with the Natural History Museum of Los Angeles County (LACM) or another accredited repository should be obtained at this stage.</p> <p>b. <u>Monitoring for Fossils.</u> Since the project site includes two distinct geological surface deposits with different levels of sensitivity for paleontological resources, the monitoring program provides for different monitoring procedures for each, as follows: (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> Authorize a qualified paleontologist to prepare a PRMMP, and submit to County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> Verify receipt of completed PRMMP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
<i>(Continued from preceding page.)</i>			
<p><u>Eastern Portion of Project Site.</u> The eastern 25 percent of the site area is mapped as composed of Pleistocene-age Tulare Lake Bed (Ql) deposits which have a moderate potential to yield paleontological resources. Within this area, grading and excavation shall be monitored by a professional paleontologist for an initial period to obtain a ground-level understanding of paleontological conditions within this area. If the deposits mapped in this area are found by the paleontological monitor to be not conducive to fossil preservation, the monitoring program in this area should be reduced or suspended as recommended by the paleontologist and as agreed to by the Kings County Community Development Agency (CDA).</p> <p><u>Central and Western Portions of the Site.</u> The central and western 75 percent of the site area is mapped as composed of younger Holocene basin deposits (Qb) which have a low potential to yield paleontological resources at the surface, but which is underlain by older Pleistocene-age deposits, located at varying depths but typically at least five feet below ground surface, which have a moderate potential to yield paleontological resources. Within these areas of the project site, excavations to depths of five feet or deeper shall be initially spot checked to determine whether project excavations will disturb paleontologically sensitive older alluvial deposits where scientifically significant fossils may be present. In the event that paleontologically sensitive sediments are observed, full time monitoring shall be initially implemented for excavations which extend to the depth of the older alluvial deposits. If it is determined that only sediments that are not conducive to fossil preservation are disturbed by excavation, the monitoring program should be reduced or suspended as recommended by the paleontologist and as agreed to by the Kings County CDA.</p> <p>c. <u>Work Stoppage upon Discovery of Fossils.</u> If any subsurface bones or potential fossils are unearthed during grading, excavation, and construction activities at the project site, all work within 100 feet of the find shall cease, and work within this exclusion zone shall not recommence until the applicable provisions of the PRMMP have been implemented, specifically not until the paleontologist has completed a professional evaluation of the resources and made recommendations regarding the treatment, recovery, and curation of the resources, as appropriate, and not until the recommendations for removal and stabilization of the resources have been implemented. Treatment of any significant paleontological resources shall be undertaken with the approval of the Kings County CDA.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) Eastern portion of site: Authorize paleontologist to monitor grading and excavation. 2) Western portion of site: Authorize paleontologist to monitor excavations below depths of 5 feet, as determined to be required by the paleontologist.</p> <p>3) If paleontological resources discovered, establish 100-foot setback zone, implement applicable provisions of PRMMP, in coordination with Kings County CDA;</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) Verify monitoring is being conducted as specified. 2) Review any proposed changes to monitoring program as recommended by the paleontologist; approve changes as appropriate.</p> <p>3) Coordinate with applicant and paleontologist regarding treatment recommendations; 4) Verify implementation of treatment measures.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS			
<p><u>Mitigation Measure HAZ-1: Protection from Hazardous Materials.</u> In order to protect the public from potential release of hazardous materials, the following measures shall be implemented during project construction, operation, and decommissioning:</p> <p>a. The project applicant shall prepare and implement a Hazardous Materials Business Plan (HMBP) in accordance with the requirements of, and to the satisfaction of, the Kings County Public Health Department Environmental Services Division;</p> <p>b. The project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Water Resources Control Board, and to the satisfaction of the Central Valley Regional Water Quality Control Board.</p> <p>The potential for minor spills would be largely avoided through implementation of the Hazardous Materials Business Plan (HMBP), as required under the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the Kings County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency (CUPA) for Kings County. The HMBP would include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site, and procedures for handling and disposing of unanticipated hazardous materials encountered during construction. The HMBP would include an inventory of the hazardous waste generated on site, and would specify procedures for proper disposal. As required, hazardous waste would be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by OSHA). Any accidental release of small quantities of hazardous materials would be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the CUPA for Kings County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs. Implementation of the HMBPs for each phase of the Grape Solar Project would ensure that minor spills or releases of hazardous materials would not pose a significant risk to the public or the environment.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Authorize qualified engineer to prepare SWPPP; and submit to Kings County CDA. 2) File a Notice of Intent (NOI) to State Water Resources Control Board.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>Prior to Project Operation:</u> 1) Prepare HMBP and submit to Kings County Public Health Department.</p> <p><u>During Project Operation:</u> 1) Implement HMBP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Kings County Public Health Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Verify receipt of SWPPP (CDA).</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP (CDA).</p> <p><u>Prior to Project Operation:</u> 1) Verify receipt of HMBP (Public Health).</p> <p><u>During Project Operation:</u> 1) Verify implementation of HMBP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS (CONT'D)			
<p><u>Mitigation Measure HAZ-2: Preventing Valley Fever Exposure.</u> In order to protect the public and workers from Valley Fever, the following measures shall be implemented during project construction and decommissioning:</p> <p>a. Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity.</p> <p>b. Provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)," available at http://www.cdph.ca.gov/programs/hesis/Documents/CocciFact.pdf</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Prepare Dust Control Plan and submit to SJVAPCD and Kings County CDA for approval.</p> <p><u>During Construction:</u> 1) Implement Dust Control Plan; 2) Provide workers with respirators as recommended.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Review and approve Dust Control Plan.</p> <p><u>During Construction:</u> 1) Verify implementation of Dust Control Plan and distribution of respirators.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.10 HYDROLOGY AND WATER QUALITY			
<p><u>Mitigation Measure HYD-1: Stormwater Quality Protection.</u> Prior to construction grading and prior to the decommissioning, the applicant shall be required to file a “Notice of Intent” (NOI) with the SWRCB to comply with the General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project phase shall be prepared by a licensed engineer and shall detail the treatment measures and best management practices (BMPs) to control pollutants that shall be implemented and complied with during the construction and post-construction phases of solar development. The SWPPP(s) required for decommissioning shall specify BMPs to be implemented during that final project phase. The construction contracts for each project phase, and for the decommissioning phase, shall include the requirement to implement the BMPs in accordance with the SWPPPs. The SWPPPs will specify such practices as: designation of restricted-entry zones, sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance), truck washdown areas, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, application of mulch for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area. The SWPPPs will also prescribe treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing, and siltation or sediment ponds. Upon completion of each solar phase, the finished grades beneath and around the finished rows of solar panels will be revegetated with a seed mix which has been approved by the Kings County Community Development Agency. The reestablished vegetated cover would stabilize the soils and minimize the potential for post-construction erosion. The construction contracts for each project phase, and for the decommissioning phase, will include the requirement to implement the BMPs in accordance with the SWPPPs, and proper implementation of the specified BMPs is subject to inspection by the Regional Board staff.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) File NOI with SWRCB; 2) Authorize qualified engineer to prepare SWPPP.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>During Operation:</u> 1) Implement post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Implement SWPPP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Public Works Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify filing of NOI. 2) Verify preparation of SWPPP.</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP.</p> <p><u>During Operation:</u> 1) Verify implementation of post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of SWPPP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.17 TRANSPORTATION			
<p><u>Mitigation Measure TR-1: Traffic Safety Measures for Solar Project Construction.</u> As a condition of project approval, and prior to the issuance of encroachment permits, the applicant shall consult with the Kings County Public Works Department regarding construction activities that may affect area traffic (such as equipment and supply delivery necessitating lane closures, trenching, etc.). Additionally, the project plans will be reviewed by the appropriate County departments for conformance with all applicable fire safety code and ordinance requirements for emergency access. The contractor shall implement appropriate traffic controls in accordance with the California Vehicle Code and other state and local requirements to avoid or minimize impacts on traffic.</p> <p>Traffic measures that shall be implemented during construction and decommissioning activities include the following:</p> <ol style="list-style-type: none"> a. Construction traffic shall not block emergency equipment routes. b. Construction activities shall be designed to minimize work in public rights-of-way and use of local streets. As examples, this might include the following: <ol style="list-style-type: none"> i. Identify designated off-street parking areas for construction-related vehicles throughout the construction and decommissioning periods. ii. Identify approved truck routes for the transport of all construction- and decommissioning-related equipment and materials. iii. Limit the employee arrivals and departures, and the delivery of equipment and materials, to non-peak traffic periods (e.g., avoid unnecessary travel from 7 to 9 AM and 4 to 6 PM). iv. Provide for farm worker vehicle access and safe pedestrian and vehicle access. v. Provide advance warning and appropriate signage whenever road closures or detours are necessary. c. Construction shall comply with San Joaquin Valley Air Pollution Control District standards for unpaved roads, which include a requirement to keep vehicle speeds below 15 miles per hour. 	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Consult with Kings County Public Works Department regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p> <p><u>During Decommissioning:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA, Public Works Department, and Fire Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Coordinate with Applicant/Civil/Contractor regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Verify implementation of traffic safety measures.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of traffic safety measures.</p>	

**BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA**

**IN THE MATTER OF MODIFICATION NO. 1)
CONDITIONAL USE PERMIT NO. 20-02)
RE: WESTLANDS GRAPE SOLAR PROJECT)**

RESOLUTION NO. 24-06

RE: 24770 Nevada Ave., Stratford, CA

WHEREAS, on April 16, 2020, Westlands Grape, LLC, filed Conditional Use Permit No. 20-02 to construct, operate, maintain, and decommission the Westlands Grape Solar Project; and

WHEREAS, the application was determined to be complete on March 17, 2021; and

WHEREAS, approval of a conditional use permit constitutes a “lease, permit, license, certificate, or other entitlement for use”, and is therefore a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.*; and

WHEREAS, as the agency primarily responsible for carrying out or approving said Project, the County of Kings assumes the role of lead agency pursuant to CEQA; and

WHEREAS, on March 19, 2021, the County published a notice of intent to adopt a mitigated negative declaration in *The Hanford Sentinel* and filed said notice with the Kings County Clerk, said notice indicating that the initial study/mitigated negative declaration (“IS/MND”) would be available for public review starting on March 19, 2021 and ending on April 22, 2021, with a hearing of the Kings County Planning Commission to consider said IS/MND to be held on May 3, 2021; and

WHEREAS, the initial study/mitigated negative declaration (“IS/MND”) commenting period was extended for an additional 30-day period ending on May 24, 2021 with a tentative hearing of the Kings County Planning Commission to consider said IS/MND to be held on June 7, 2021; and

WHEREAS, on March 12, 2021, the County provided the IS/MND to the State Clearinghouse for distribution to State agencies for their review beginning March 19, 2021, and ending on April 19, 2021. The County provided the IS/MND to the State Clearinghouse on April 22, 2021, extending the review period from ending on April 19, 2021, to May 24, 2021; and

WHEREAS, the Community Development Agency of the County of Kings is the custodian of the documents and other materials that constitute the record of the proceedings upon which the Planning Commission’s decision is based, and the Kings County Government Center, Engineering Building No. 6, 1400 W. Lacey Boulevard, Hanford, CA 93230 is the location of this record; and

WHEREAS, on June 1, 2021, the Kings County Community Development Agency recommended that the Mitigated Negative Declaration be approved for the proposal; and

WHEREAS, on June 1, 2021, the Kings County Community Development Agency staff notified

the applicant of the proposed recommendation on this project; and

WHEREAS, on June 7, 2021, this Commission held a duly noticed public hearing for Conditional Use Permit No. 20-02 to receive testimony from any interested person in the Board of Supervisors Chambers of the Kings County Government Center, located at 1400 W. Lacey Blvd., Hanford, California; and

WHEREAS, at the June 7, 2021, public hearing, this Commission received (1) a report presented by County staff that included the staff recommendation, (2) testimony from the applicant, and (3) testimony from members of the general public; and

WHEREAS, on June 7, 2021, after the conclusion of the public testimony, this Commission closed the public hearing and deliberated; and

WHEREAS, on June 7, 2021, this Commission approved Conditional Use Permit No. 20-02 and made the following findings and certifications with regards to CEQA: (1) The Commission reviewed and considered the IS/MND, together with the comments received during the public review and comment period before approving the project; (2) Based on the whole record before it, including the IS/MND and the comments received during the public review period, there was no substantial evidence in the record that the proposed Project will have a significant effect on the environment; (3) The IS/MND for this Project was completed in compliance with CEQA and was determined to be adequate; and (4) The IS/MND reflected this Commission's independent judgement and analysis; and

WHEREAS the IS/MND identified certain significant effects on the environment that, absent adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS this Commission was required pursuant to CEQA to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS this Commission was required by Public Resources Code Section 21081.6 subdivision (a) to adopt a Mitigation Monitoring and Reporting Program ("MMRP") to ensure that the mitigation measures adopted by the County are actually carried out; and

WHEREAS as demonstrated by the MMRP, attached as Attachment "A" to Planning Commission Resolution No. 21-02, all of the Project's significant environmental effects could be either substantially lessened or avoided through the adoption of feasible mitigation measures; and

WHEREAS this Commission determined it appropriate to certify and adopt the IS/MND, to adopt the MMRP, and to approve Conditional Use Permit No. 20-02 subject to findings and conditions of approval contained in Planning Commission Resolution No. 21-02; and

WHEREAS, on May 30, 2024, the Community Development Agency received the application from Westlands Grape, LLC, for Modification No. 1 to Conditional Use Permit No. 20-02 to: (1) revise the external boundaries of the Westlands Grape Solar Project by equally exchanging 640 acres with the previously-approved Westlands Cherry Solar Project adjacent to the west; (2) revise the location of the project operations area (consisting of the project substation, Operations & Maintenance facility, and

battery storage system) to a site located approximately 0.9 miles north; and (3) include an approximately 9,600 square foot steel building for the storage of spare parts in the project operations area; and

WHEREAS the application for Modification No. 1 to Conditional Use Permit No. 20-02 was determined to be complete on June 27, 2024; and

WHEREAS CEQA Guidelines Section 15164, found in the California Code of Regulations, allows for an addendum to an approved IS/MND be prepared when minor technical changes or additions are necessary and if the project does not meet any of the requirements stated in Section 15162; and

WHEREAS the application for Modification No. 1 to Conditional Use Permit No. 20-02 included Addendum No. 1 to the IS/MND originally approved for Conditional Use Permit No. 20-02; and

WHEREAS the County determined that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent Environmental Impact Report (“EIR”) or Negative Declaration have occurred; and

WHEREAS this Commission has reviewed Addendum No. 1 to the IS/MND in its entirety and determined that the document reflects the independent judgement of the Commission; and

WHEREAS, on August 5, 2024, this Commission held a duly noticed public hearing for Modification No. 1 to Conditional Use Permit No. 20-02 in the Board of Supervisors Chambers of the Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California; and

WHEREAS, on August 5, 2024, after the conclusion of public testimony, this Commission closed the public hearing and deliberated; and

WHEREAS, on August 5, 2024, this Commission adopted Resolution No. 24-06 approving Modification No. 1 to Conditional Use Permit No. 20-02; and

WHEREAS Modification No. 1 to Conditional Use Permit No. 20-02 provides to: (1) revise the external boundaries of the Westlands Grape Solar Project by equally exchanging 640 acres with the previously-approved Cherry Solar Project adjacent to the west; (2) revise the location of the project operations area (consisting of the project substation, Operations & Maintenance facility, and battery storage system) to a site located approximately 0.9 miles north; and (3) include an approximately 9,600 square foot steel building for the storage of spare parts in the project operations area; and

WHEREAS the modified Project would not result in any effects to environmental resources that are more severe than those described in the original IS/MND and all Mitigation Measures and Conditions associated with the original project would be applied to the modified Project; and

WHEREAS as is the case with the approved Project, the modified Project would have a less-than-significant impact on Aesthetics, Energy, Greenhouse Gas Emissions, Land Use Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire, and a less-than-significant impact with the implementation of the approved mitigation measures identified for Agriculture & Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality,

Transportation, and Tribal Cultural Resources; and

WHEREAS, as required by CEQA Guidelines Section 15162, the County has evaluated circumstances surrounding each of these environmental topics to Addendum No. 1 to the IS/MND on Modification No. 1 to Conditional Use Permit No. 20-02.

NOW, THEREFORE, BE IT RESOLVED, that this Commission finds that in order to approve this permit, the Commission is required to make the following findings pursuant to Section 1707 of the *Kings County Development Code*:

1. The proposed use is consistent with the *2035 Kings County General Plan*.
2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
5. The design, location, size, and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
6. That no process, equipment, or materials shall be used which are found by the Planning Commission to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any undue risk of fire or explosion.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

Regarding these required findings, this Commission finds that:

1. The proposed use is consistent with the *2035 Kings County General Plan*.

Finding: The proposal conforms with the policies of the *2035 Kings County General Plan*, specifically:

- A. Figure LU-11, “Kings County Land Use Map” of the *2035 Kings County General Plan* designates this site as Exclusive Agriculture (AX) (easternmost 519.19 acres) and General Agriculture – 40 Acre (AG-40) (the remaining 1,240 acres of the Project Site).

- B. Page LU-13, Section III.A.1. of the “Land Use Element” of the *2035 Kings County General Plan* states that agricultural land use designations account for a vast majority of the County's land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20-Acre Minimum, General Agriculture 40-Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations related to minimum parcel size, animal keeping, and agricultural service business. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in manner that remains compatible with other uses within the County. The development of agricultural services and produce processing facilities within the Agricultural areas of the County shall develop to County Standards.
- C. Page LU-13, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the General Agriculture – 40 Acre (AG-40) designation is applied to rural areas of the county south of Kansas Avenue, excluding the Urban Fringe areas of Corcoran, the Communities of Kettleman City and Stratford, and high slope areas of the Coast Ranges. This designation allows intensive agricultural uses that by their nature may be incompatible with urban uses. Much of the land within this designation is also subject to flood hazard risk and should remain devoted to agriculture use to reduce the potential for future conflicts.
- D. Page LU-14, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the Exclusive Agriculture (AX) designation is applied around Naval Air Station Lemoore and its flight paths to reduce potential conflicts between military jet aircraft operations and surrounding land uses. Areas subject to potential aircraft noise and safety issues are designated Exclusive Agriculture (AX) to reduce the number of residences and preserve priority agricultural lands from encroachment by incompatible uses.
- E. Page LU-27, Section IV.B of the “Land Use Element” of the *2035 Kings County General Plan* states that Agricultural Open Space is the most extensive environmental category that displays the rural agricultural nature of the county. The agricultural land use designations (Limited Agriculture, General Agriculture 20 Acres, General Agriculture 40 Acres, and Exclusive Agriculture) are used to define distinct areas of agricultural intensity and protect agricultural land from the encroachment of incompatible uses. Limited and General Agriculture designated areas provide appropriate locations for agricultural support businesses, while Exclusive Agriculture provides a safety and noise buffer around the Naval Air Station. The physical development of agricultural properties is regulated and implemented by the Zoning Ordinance, in which the zone districts have the same designations: Limited Agriculture (AL-10), General Agriculture (AG-20 and AG-40), and Exclusive Agriculture (AX) are used. The minimum parcel size in the Exclusive Agriculture area is 40 acres. (Note: *Zoning Ordinance No. 269.69* was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015 and became effective on April 2, 2015.)
- F. Page LU-37, LU Objective B6.1 of the “Land Use Element” of the *2035 Kings County General Plan* establishes Exclusive Agriculture designated areas in coordination with Naval Air Station Lemoore (NAS Lemoore) officials to serve as an open space buffer for public safety purposes that is consistent with the base’s defined areas of operation.

- G. Page LU-37, LU Policy B6.1.2 of the “Land Use Element” of the *2035 Kings County General Plan* states that Exclusive Agriculture shall be used along NAS Lemoore defined flight path corridors that exhibit levels of at least 70 dB CNEL aircraft generated noise to limit and discourage intensive agricultural and structure-based land uses that may pose increased risks to inhabitants and base operations.
 - H. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agriculture Open Space area and are supported for their continued operation and existence.
 - I. Page LU-38, LU Objective B7.1 of the “Land Use Element” of the *2035 Kings County General Plan* allows compatible Open Space and Public uses of land within Agriculture Open Space area of the County.
 - J. Page LU-38, LU Policy B7.1.3 of the “Land Use Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - K. Page RC-50, RC Objective G1.2 of the “Resource Conservation Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - L. Page RC-50, RC Policy G1.2.4 of the “Resource Conservation Element” of the *2035 Kings County General Plan* coordinates the siting of alternative energy facilities within the Exclusive Agriculture (AX) Zone District with the Naval Air Station Lemoore to endure such facilities will not have the potential to create a hazard for aircraft (e.g., reflective solar panels).
 - M. Page RC-50, RC Policy G1.2.5 of the “Resource Conservation Element” of the *2035 Kings County General Plan* states to site new large-scale alternative energy facilities where they can be served by existing electrical transmission lines, or where such lines can be located and designed to minimize visual, environmental, and agricultural disturbances.
 - N. Page RC-51, RC Policy G1.2.7 of the “Resource Conservation Element” of the *2035 Kings County General Plan* requires commercial solar and wind energy systems to be reviewed as a conditional use permit pursuant to the procedures of the Kings County Zoning Ordinance. (Note: *Zoning Ordinance No. 269.69* was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015, and became effective on April 2, 2015.)
2. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
- A. The approval of proposed Modification No. 1 to Conditional Use Permit No. 20-02 (Westlands Grape Solar Project) is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*. The proposed use should not be detrimental to public health and safety, or materially injurious to properties in the vicinity. An addendum (Addendum No. 1) to the original Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for this proposed project modification. The proposed project modification may have significant adverse impacts on the environment; however, those impacts can be

mitigated to a less-than-significant level by implementing the Mitigation Monitoring & Reporting Program (MMRP) attached to the Planning Commission Resolution for this project as Exhibit “A.” The addendum to the IS/MND reflects the Planning Commission’s independent judgement and analysis.

As provided by CEQA Guidelines Section 15164, the lead agency shall prepare an addendum to a previously certified EIR or IS/MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred. An addendum is appropriate under Section 15164 where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration.

Addendum No. 1 to the IS/MND provides CEQA review for the modified Westlands Grape Solar Project, and its evaluation determines if any changed conditions caused by the proposed project modification may result in a different environmental impact significance. The proposed Modification No. 1 for CUP No. 20-02 would not result in any new significant or substantially more severe impacts than were identified in the 2021 adopted IS/MND, and therefore an addendum to the originally adopted IS/MND is appropriate.

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring, or there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
 - A. The IS/MND did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit “A.” to Resolution No. 24-06.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
 - A. The project site is located within the General Agriculture – 40 Acre (AG-40) zone district.
 - B. Article 4, Section 407, Table 4-1 of the Kings County Development Code prescribes the land use regulations for “Agricultural” zoning districts. The regulations for each district are established by letter designation shown in the key to Table 4-1.

- 1) Table 4-1 lists commercial solar photovoltaic electrical generating facilities as a use requiring a conditional use permit within the General Agriculture – 40 Acre (AG-40) zone district, subject to Planning Commission approval.
- C. Article 10, Section 1004.A of the Kings County Development Code states that the regulations contained in the Agricultural Overlay Zone (AOZ) are intended to be applied to Agricultural Zone District areas where additional land use limitations are needed to implement the Kings County General Plan and address related public health and safety concerns. The AOZ is intended to provide added restrictions that are limited in scope and serve to modify the base zone district requirements. The specific purposes of the AOZ are:
- 1) Reduce potential land use conflicts around the Naval Air Station Lemoore, concerning noise and safety due to the operation of military jet aircraft.
 - 2) Enhance land use compatibility around Naval Air Station Lemoore by accommodating agriculture, aircraft, and residential uses in a compatible manner that maintains economic and national defense sustainability while also allowing residents opportunities to improve their quality of life.
 - 3) Preserve lands best suited for agricultural uses and serving as a military base safety buffer from encroachment by incompatible uses.
 - 4) Apply to Exclusive Agriculture (AX) expansion areas as adopted by the Board of Supervisors in January 2010 and any changes and/or amendments of such expansion areas and implement the policies and provisions of the Kings County General Plan.
 - 5) The AOZ shall be shown on the Zoning Map by adding the designator “AO” to the base district designation. The AOZ will be applied to all properties designated as Exclusive Agriculture (AX) as shown on Figure LU-11 of the *2035 Kings County General Plan* and currently zoned as either AG-20 or AG-40.
 - 6) The provisions in this chapter shall apply to all parcels of land located within the designated boundaries of the overlay district as illustrated on maps contained on the County zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where the overlay zoning district is not defined, the regulations of other sections of this title shall apply.
- D. Development Standards and Regulations within the Agricultural Overlay Zone:
- 1) The maximum height for any structure is 100 feet.
- E. Article 11, Section 1112.B.2 of the Kings County Development Code identifies the following standards for commercial solar electric generating systems in Agricultural Zoning Districts:
- 1) The proposed site shall be located in an area designated as either “Very Low Priority,” “Low Priority,” or “Low-Medium Priority” land according to Figure RC-13 Priority

Agricultural Land (2035 Kings County General Plan, Resource Conservation Element, Page RC-20). “Medium Priority” land may be considered when comparable agricultural operations are integrated, the standard mitigation requirement is applied, or combination thereof.

- a. As shown in Figure RC-13 “Priority Agricultural Land” of the 2035 Kings County General Plan, the project site is designated as Low Priority and Low-Medium Priority. The proposed project is consistent with the requirement of the Development Code.
- 2) The proposed site shall be located within 1 mile of an existing 60 kV or higher utility electrical line. Small community commercial solar projects (less than or equal to 3 MW) may be located more than 1 mile from a 60 kV or higher transmission line subject to the following findings:
- a. The project site is located on low or very low priority farmland.
 - b. The project site is not restricted by a Williamson Act or Farmland Security Zone contract.
 - c. The project will connect to existing utility infrastructure without building new power lines.
 - d. The project will not result in any additional easements on agricultural land, other than access easements or easements within the public Right-of-Way.
 - i. Discussion: The proposed project is not 3 megawatts or less and does not qualify as a small community commercial solar project. Therefore, the project shall be located within 1 mile of a 60 kV or greater transmission line. An existing 70 kV utility transmission line passes through the center of the project alongside the 25th Avenue alignment. The proposed project is consistent with this requirement of the Development Code.
- 3) Agricultural mitigation shall be proposed for every acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance converted for a commercial solar facility. The agricultural mitigation shall preserve at a ratio of 1:1 an equal amount of agricultural acreage of equal or greater quality in a manner acceptable to the County for life of the project. Agricultural mitigation on land designated “Medium-High” or higher priority land shall preserve an equivalent amount of agricultural acreage at a ratio of 2:1.
- a. Discussion: Under the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP), approximately 415 acres of the project site are mapped as Farmland of Statewide Importance, and the remaining 1,344.19 acres are mapped as Grazing Land. Unless mitigated, the project would result in conversion of the Farmland of Statewide Importance to non-agricultural use. To reduce the potential impacts to less-than-significant, the MMRP lists three mitigation measures. Mitigation Measure AG-1 requires an Agricultural Management Plan (AMP) that will provide for the ongoing agricultural productivity of the project site through dry farm seasonal sheep grazing for the life of the project. Mitigation Measure AG-2 requires the preparation of

a Soil Reclamation Plan which will be implemented upon project decommissioning at the end of the project's useful life. Mitigation Measure AG-3 provides the County with financial assurance in the form of a performance or cash bond, or another County-approved instrument, to ensure the implementation of Mitigation Measure AG-2. Mitigation Measures AG-1, AG-2, and AG-3 shall be submitted to the Kings County Community Development Agency prior to the issuance of building permits for the proposed project. With the implementation of these Mitigation Measures, both temporary and permanent impacts to "Farmland" would be reduced to less-than-significant levels with mitigation incorporated. No portion of the project site is designated as "Medium-High" or higher priority lands in Figure RC-13 "Priority Agricultural Land" of the *2035 Kings County General Plan*. The project is consistent with this requirement of the Development Code.

- 4) The project shall include a reclamation plan and financial assurance acceptable to the County that ensures the return of the land to a farmable state after completion of the project life and retains surface water rights.
 - a. Discussion: A Soil Reclamation Plan with County-approved financial assurances will be required through Mitigation Measures AG-2 and AG-3 and will satisfy this requirement of the Development Code.
- 5) The project shall include a pest management plan and weed abatement plan to protect adjacent farmland from nuisances and disruption.
 - a. Discussion: A pest management and weed abatement plan are conditions of approval and shall be submitted to the Community Development Agency for approval prior to the issuance of building permits. See Condition No. 15 below.
- 6) The project shall space internal access driveways per Kings County Fire Department Standards.
 - a. Discussion: Prior to the issuance of the building permit, detailed site plans showing internal access driveways shall be prepared and provided to the Planning Division and Fire Department for approval. The access driveways shall be maintained and completely surround the solar panels to allow access from any side or end. Access driveways shall not be less than 20 feet wide or spaced greater than 400 feet apart and shall provide vertical clearance of not less than 13 feet 6 inches. Detailed plans shall be provided for review and the applicant shall meet with the Fire Marshal in a timely manner upon request for clarification of any issues. See "Other Standards and Regulations" below for Kings County Fire Department requirements. With these requirements, this finding would be satisfied.
- 7) The project shall include a solid waste management plan for site maintenance and disposal of trash and debris.
 - a. Discussion: The applicant shall implement a Solid Waste Management Plan for the project. The non-hazardous waste generated during construction and operation shall be

segregated on-site for recycling or disposal at a Class III landfill. Hazardous wastes generated during project construction, operation, and decommissioning shall be either recycled or disposed of at a Class I disposal facility, as required. With implementation of Condition No. 17 listed below, this finding would be satisfied.

5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
 - A. The approved project and the proposed project modification were and are subject to analysis pursuant to the *California Environmental Quality Act (CEQA)* and the CEQA Guidelines. An IS/MND on the original Westlands Grape Solar Project was prepared and circulated for a 30-day public comment period. With incorporation of mitigation measures, the proposed project, as modified, will not result in any of the significant effects which are objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity. In addition to mitigation measures adopted as part of the Mitigation Monitoring & Reporting Program (MMRP), other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.

6. That no process, equipment, or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any undue risk of fire or explosion.
 - A. The proposed facility will not be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any undue risk of fire or explosion. The proposed modified project would involve the construction, operation, maintenance and decommissioning of a solar photovoltaic power generating facility on approximately 1,759 acres of land. Hazardous materials would be handled in compliance with applicable laws and regulations regarding transport, handling, disposal, and storage. The modified Project would comply with federal and state regulations regarding the use, handling, disposal, recycling and reuse of PV cells. Lighting will be oriented and/or shielded to the interior of the site to prevent spillage onto nearby properties and rights-of-way. Solar glare would not impact flight paths or the air traffic control station. In addition, compliance with international, federal, state, and local regulations would ensure that there is a low potential for fires. A Water Tank Concept Plan has been submitted to show the location and method of water connection for the Kings County Fire Department requirement of a 10,000-gallon (at minimum) water tank equipped with a pressure system and float valve to keep the tank full at all times for fire suppression. The IS/MND and Addendum No. 1 did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their

completion. The MMRP is included as Exhibit “A” to Resolution No. 24-06. Other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.

7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
 - A. The proposed modified project would include the installation of a septic tank and drain field system for the wastewater from the O&M facility. The septic system would require a building permit from the Kings County Community Development Agency – Building Division. On-site septic system facilities would be installed in compliance with the California Building Code and Kings County Plumbing Code and would be subject to the approval of the Kings County Community Development Agency and Kings County Environmental Health Services. The system shall be designed by a qualified engineer (see Building Division Requirement No. 11 below).
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
 - A. This modified project as described in the original IS/MND and Addendum no. 1 to the IS/MND will be required to comply with all applicable regulations of the SJVAPCD, including but not limited to Rules 8011 through 8081 (Fugitive Dust Prohibitions) and Rule 9510 (Indirect Source Review). The construction and decommissioning of this project will temporarily increase emissions of PM₁₀ and thus a condition of approval will require the project to comply with SJVAPCD Regulation VIII.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.
 - A. Article 16, Section 1602.A.5 requires site plans for commercial and industrial projects to be professionally drawn to a scale large enough to show all details clearly with full dimension. Site plans must include detail of the following: lot dimensions; setback measurements; all buildings and structures; yards and space between buildings; all walls, fences, and gates; off-street parking; property access; signs; loading; lighting; street dedications and improvements; landscaping; fire hydrants; on-site drainage; and any other data as required. The site plan meets all of the criteria required by Section 1602.A.5, such that the locations, sizes, and functions of all existing and proposed features can be ascertained.

STATEMENT OF FINDINGS OF CONSISTENCY:

1. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:

- A. The project site is subject to a Williamson Act and/or Farmland Security Zone Contract pursuant to *Government Code* Section 51295. On November 26, 2013, Kings County adopted Resolution No. 13-058 recognizing that certain land parcels within the County south of SR-198 and west of SR-41 (e.g., where the project site is located) that are under Williamson Act and/or Farmland Security Zone contracts are limited in agricultural production due to reduced

surface water deliveries, poor groundwater quality and severe groundwater overdrafts, impaired soil conditions, and regulatory burdens. Further, the Resolution provides a soil reclamation plan and financial assurances, and if a finding can be made, based upon substantial evidence, that the proposed concomitant commercial agricultural operation is a reasonably foreseeable use of the land (taking into account surface water availability, groundwater quality and availability, and soil conditions).

The soil and water analysis reports prepared for neighboring project sites with the same soil types and conditions as the project site state that the native soils of the project area have naturally high salt levels and have been exacerbated by poor natural drainage. The short supply of high-quality water imported water limits the amount of surface water that can be applied to pre-irrigate the soil to leach out some salts. Long term soil salinity conditions are expected to increase due to lack of a subsurface drainage system and a sustainable leachate disposal outlet. This fulfills the requirements of Resolution No. 13-058 in demonstrating that poor soil and water quality, and insufficient supplies of surface and groundwater currently exist, and that the proposed concomitant commercial agricultural operation (solar facility and dry farm seasonal sheep grazing) would be a reasonably foreseeable use of the land at the modified project site. Consequently, because the project site is located within an area covered under Resolution No. 13-058, has adequately demonstrated that poor soil and water quality exist, water supply is insufficient to support agricultural crops, and because the project would allow for dry farm seasonal sheep grazing and would require a Soil Reclamation Plan and an updated Engineer's Cost Estimate for financial assurances every five years, there would be no potential conflict or conversion of land under the Williamson Act and Farmland Security Zone contracts.

2. FLOOD PLAIN FINDINGS:

- A. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0300C, dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

3. AIRPORT COMPATIBILITY ZONE FINDINGS:

- A. The project site is not located within an Airport Compatibility Zone.

BE IT FURTHER RESOLVED, that based on the above findings, this Commission adopts the Addendum No. 1 to the Initial Study/Mitigated Negative Declaration prepared for Modification No. 1 to Conditional Use Permit No. 20-02 and approves Modification No. 1 to Conditional Use Permit No. 20-02, as proposed, subject to the conditions and exceptions as follows:

1. All proposals of the applicant shall be requirements unless modified herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:

- A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Site Plan Review.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of the *Development Code No. 668.17*, with particular reference to the General Agriculture – 40 Acre (AG-40) Zone District standards contained in Article 4 and the standards for Conditional Use Permits contained in Article 17.
 4. All signage must comply with Section 418.C of the *Kings County Development Code*. Signs shall be located outside the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
 5. Any exterior lighting shall be hooded so as to be directed only on-site. Pursuant to Section 418.E of the *Kings County Development Code*, exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.
 - A. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
 - B. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
 - C. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

6. Pursuant to Section 418.F of the *Kings County Development Code*, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water meters: The installation of water meters to encourage water conservation.
 - B. Stormwater Drainage: The integration of onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase stormwater detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
7. Off-street parking shall be provided in accordance with Article 13, Table 13-1 of the *Kings County Development Code* and shall be installed in accordance with *Kings County Improvement Standards*. **(Note: Accessible parking requirements are listed under Building Division Requirement No. 8 below.)**
8. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site, or 2) the final inspection. (Note: the applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation.)
9. Pursuant to Section 303.G of the *Kings County Improvement Standards*, the parking area at the O&M building shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires two (2) inches of Type “B” Asphalt Concrete over four (4) inches of Class 2 aggregate base over six (6) inches of R-50 Native @ 95% compaction under the “Heavy Use” conditions. All other parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface pursuant to the “Rural Alternative”. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires Cutback Asphalt over four (4) inches of Decomposed Granite under the “Rural Alternative”. (Note: the Kings County Planning Commission hereby reserve the right to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due to vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County roads.)
10. Accessible parking spaces shall be located so as to minimize the travel distance to the use’s primary entrances for access. Required off-street accessible parking spaces, and standards for those spaces, shall meet state standards.
11. Pursuant to Article 4, Section 418.B. of the *Kings County Development Code* the following are required for landscaping in Agricultural Zoning Districts:

- A. In all Agricultural Zoning Districts, as stated in Article 15, all new construction and rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”.
12. Pursuant to Section 418.B of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
- A. Fences, walls and hedges exceeding six (6) feet in height shall be permitted except that fences, walls, and hedges shall not exceed three (3) feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - B. Gates shall be permitted as follows:
 - 1) Gates which are used for the primary vehicular ingress and egress, and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - a. A minimum distance of twenty (20) feet.
 - b. A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
 - 2) Gates used for the primary vehicular ingress and egress, and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - a. The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - b. The gate must be operational at all times using a remote-control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - c. At any time that the gate is not operational using the remote-control device the gate must be locked in the open position or it must be removed entirely.
 - 3) Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat, or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
13. All open and unlandscaped portions of the lot shall be maintained in good condition, free from

weeds, dust, trash, and debris.

14. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line if not fronting on a public road right-of-way. The minimum front yard setback for non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way or property line if not fronting on a public right-of-way.
 - B. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - C. The minimum rear yard setback shall be ten (10) feet from the rear property line.
15. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a pest management and weed abatement plan** which establishes set action thresholds, identifies pests, specifies prevention methods as a quantitative performance goal of nuisance reduction to adjacent farmland. Rodenticide, if used, shall be selected, and used in a manner that minimizes impacts to protected biological species.
16. The weed abatement plan shall contain specific provisions to address Russian thistle (also known as tumbleweed). The weed abatement plan shall also contain specific provisions requiring that weeds be addressed on an annual basis (prior to reaching maturity and prior to producing seeds) on the entire property that the project site is located on, the perimeter fence line, the area outside the perimeter fence to all adjacent property lines, and the area outside the perimeter fence to the adjacent County road shoulder.
17. **Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Solid Waste Management Plan** which establishes action items and specific control methods to ensure that: 1) the non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill; and 2) hazardous wastes generated during project construction and operation shall be either recycled or disposed of at a Class I disposal facility, as required.
18. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life.** The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate pre-project condition, including: 1) removal of all above-ground and below-ground project fixtures, equipment, and nonagricultural driveways; 2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; 3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled

across the project site; and 4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff until the entire project area has been restored to equivalent conditions. All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.

19. **Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer's Cost Estimate and approved by the Kings County Community Development Agency, to ensure the completion of activities under the Soil Reclamation Plan.** Every five (5) years from the date of completion of construction of the project, the applicant shall submit an updated Engineer's Cost Estimate for financial assurances for the Plan, which will be reviewed every five (5) years by the Kings County Community Development Agency to determine if the amount of the assurances is sufficient to implement the Plan. The amount of assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan. The fees for each five-year review of assurances shall be determined by the Kings County Board of Supervisors and paid by the owner/operator at the time of review.
20. Additional annual service impact fees affecting the Kings County Fire Department and the Kings County Sheriff Department will not be billed to the applicant. Instead, the applicant will be responsible for paying for services rendered by the two departments during times of emergency when services are provided for the project site.
21. The land upon which this project is located is subject to Farmland Security Zone Contract No. 266 & Farmland Security Zone No. 50. All land uses and structures located on this contracted land must comply with the "*Uniform Rules for Agricultural Preserves in Kings County*" and the requirement of the "*California Land Conservation 'Williamson' Act*", specifically sections 51231, 51238, 51238.1 and 51250. Failure to comply with said *Uniform Rules and Act* may result in action taken by Kings County or the State of California to enforce the conditions of the contract. Such enforcement may result in substantial monetary penalties and termination of that portion of the *Williamson Act* Contract determined to be incompatible.
22. All mitigation measures in the Mitigation Monitoring and Reporting Plan (MMRP), as modified, pertain to Modification No. 1 to CUP No. 20-02, are adopted as conditions of this approval, and are included in Modification No. 1 to Conditional Use Permit No. 20-02.
23. All terms and conditions from "Agreement Between the County of Kings and Westlands Grape, LLC for Indemnification and Reimbursement for Extraordinary Costs No. 2021-002" (Indemnification & Reimbursement Agreement) still apply.
24. The applicant shall comply with all requirements of, and obtain any necessary permits from, the San Joaquin Valley Air Pollution Control District (SJVAPCD). Questions concerning the SJVAPCD requirements should be directed to Patrick Chimienti at (559) 230-6139.

25. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
26. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgement of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
27. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
28. Sales, use, or transactions tax may apply to business activities on the site. The applicant may seek written advice regarding the application of tax to your particular business by writing to the nearest State Board of Equalization office. For general information, please call the Board of Equalization at 1-800-400-7115.
29. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
30. This Conditional Use Permit shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
31. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Planning Commission prior to the permit’s expiration date.
32. This approved Conditional Use Permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the Conditional Use Permit approval.
33. This permit shall become effective upon the expiration of eight (8) days following the date on which the permit was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

For additional information regarding the above conditions contact Noelle Tomlinson of the Kings County Community Development Agency at (559) 852-2697.

BE IT FURTHER RESOLVED, that the following departments’ and agencies’ have listed requirements, standards, and regulations that must be met under those departments’ and agencies’ jurisdiction. The Planning Commission has no authority to modify, amend, or delete any of these requirements, standards, and regulations, but lists them here as information to the applicant. Appeals for

relief of these standards and regulations must be made through that department's or agency's procedures, not through the *Development Code* procedures. However, failure of the applicant to comply with these other departments' and agencies' requirements, standards, and regulations is a violation of this conditional use permit (see condition No. 22 above) and could result in revocation of this conditional use permit.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION (Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements.)

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A complete set of plans and calculations shall be required for all work proposed and required by this application. The plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures. Plans and calculations shall be submitted digitally to <https://cdapermits.countyofkings.com>.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. School fees based on square footage of the building shall be added to the cost of the building permit, unless the school district provides an exemption from the school fees.
7. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
8. The tenant, lessee and/or owner are responsible for compliance with the Americans with Disabilities Act, ADA. By federal law the facility shall be made accessible to the highest degree possible.
9. Public Facilities Impact Fees for the building shall be payable at the time of the issuance of the building permit if applicable.
10. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.

11. If restroom facilities are to be constructed, a septic system design prepared by a qualified soils engineer shall be provided to the Building Division prior to issuance of building permits.
12. The facility shall meet the requirements of the State of California Model Water Efficient Landscape Ordinance. If landscaping is proposed, then landscape and irrigation plans shall be provided to the Community Development Agency for review and approval prior to building permit issuance.
13. All construction shall conform to the latest adopted edition of the California Building Standards Code which consist of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY PUBLIC WORKS DEPARTMENT: (Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements.)

1. All requirements required hereafter shall conform to the Kings County Improvement Standards.
2. All other alternatives to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work in the County right-of-way.
4. Applicant shall provide asphalt concrete drive approach(es).
5. Access to the site from a public road must be provided and must be approved by the County.
6. Additional right-of-way shall be dedicated. Right-of-way, access lanes, and easements shall be cleared of all obstructions. The clearing of all right-of-way obstructions shall be at the expense of the owner.
 - a. Right-of-way shall be dedicated at the following location(s): 33 feet along the south side of Sections 33 and 34.
7. Durable and dustless drive(s) shall be constructed.
8. Streetlights shall be installed at the following location(s) and shall conform to:
 - a. Provide a 4000 Kelvin or 120- or 139-Watt LED streetlight on a standard wood pole to be maintained and paid for by the applicant at entrances to the site.
9. Drives approach(es) shall extend a minimum 50' beyond the County right-of-way. Drive approach(es) shall be 2 ½" of asphalt concrete over 10" Class 2 base rock. Drive approach(es) shall be constructed so as storm drainage shall flow towards property.
10. Gates shall be indented to allow for sufficient distance for traffic to park off County right-of-way.

11. Fence shall be set back 1' from the County right-of-way line. Applicant shall maintain fence line and adjacent County road shoulder in weed-free condition.
12. Patch any potholes and repair any edge pavement failures or road shoulder damage that is a result of the project construction phase as directed by the Kings County Public Works Department.
13. Design and construct all improvements necessary to provide for the safe travel of traffic on Nevada Avenue at and approaching access points to the site. Primary concerns shall include the mitigation of through traffic and vehicles turning left or right off Nevada Avenue into solar site during the construction phase. Submit engineered improvement drawings for this work to the Kings County Public Works Department for review.
14. An agreement allowing for services run in the County right-of-way shall be entered into with Kings County prior to the issuance of encroachment permits.

KINGS COUNTY FIRE DEPARTMENT Contact Blake Adney at the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. The Fire Department requires a supply of firefighting water available in a storage tank on the site. The amount of water required will be in accordance with NFPA 1142 and is dependent on building volume, construction type, and exact use.
2. See attachment (Exhibit "B") for instructions on storage tank fire suppression requirements.
3. All-weather access roads capable of supporting heavy fire apparatus, of not less than twenty feet width and thirteen feet six inches of vertical clearance, shall be provided. Roads must comply with the California Fire Code.
4. A 4A 60BC fire extinguisher is required to be located in plain sight not more than other (to be determined) feet from any point in the structure. The location of fire extinguishers must be easily accessible, be easily visible, and be near entrances or exit doors. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions.
5. Employees should be familiar with the use of fire safety equipment.
6. A set of building plans must be reviewed and approved by the Kings County Fire Department.
7. The fire protection system, if provided, must be up to date on required inspections and tests and be approved by the Kings County Fire Department.
8. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
9. Property must be equipped with a Knox Box for Fire Department access.

10. Adjustment shall not interfere with Fire Department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
11. Address identification required per Section 505.1 of the California Fire Code.
12. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.
13. Other specifically:
 - a. See attached Photovoltaic Final Document for additional requirements.

PHOTOVOLTAIC SOLAR PANEL ADDITIONAL REQUIREMENTS

14. The following information shall be provided on the title page, along with three sets of 24 x 36 inch plans. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
 - a. Project location, including the full legal address of the facility, and building number(s) if applicable; tract or parcel number.
 - b. The contractor's name, telephone number, address and California State contractor's license number and classification.
 - i. Identify the fire extinguisher locations, type and size, mounting style and height above finished floor. Must have a California State Fire Marshal service tag affixed to them.
 - ii. Show all roadways. Show the current property vehicle access points as well as the proposed vehicle access points for this project.
 - iii. Show the location and width of fire apparatus access lanes.

Additional Requirements.

The following additional requirements may be needed in order to obtain approval by the Kings County Fire Department if an application for a permit to build a photovoltaic solar panel facility. The Kings County Fire Department reserves the right to amend existing comments or requirements or add additional comments or requirements depending upon the hazards involved with an individual project(s).

NOTE – Satisfying the below requirements does not automatically mean your plans will be approved.

15. Access Roads:

- a. The engineering designs of all life safety and fire suppression roads shall be reviewed by the Kings County Public Works Department and approved by the Kings County Fire Department.
- b. Life safety and fire suppression access roads shall be not less than 20 feet in width around the perimeter of the site and shall include interior fire access roads of not less than 20 feet in width that are spaced so that there is not greater than 400 feet in separation between fire access roads on the interior of the site.
- c. Life safety and fire suppression access roads shall be designed, engineered, and maintained to be an all-weather surface capable of supporting the imposed loads of a sixty-five thousand (65,000) pound fire apparatus with a maximum grade of 12 percent.
- d. There shall be an unobstructed vertical clearance of 13 feet 6 inches above all life safety and fire suppression access roads.
- e. If an access road is a dead-end road, the access road shall include either a 50-foot radius at the end of the road or other Kings County Fire Department approved turnaround space.
- f. There shall be a minimum of 4 feet of separation between rows to allow access for fire suppression personnel and equipment.
- g. Facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved Life Safety and Fire Suppression access roads/entrances. It should be noted that if the developer chooses to fund the purchase of an all-terrain firefighting vehicle, this requirement is still needed since, due to the size of the structure, more than one firefighting vehicle would be needed.
- h. At the sole discretion of the Kings County Fire Chief or his or her designee, an applicant may request to satisfy the above requirements regarding interior fire access roads by:
 - i. Providing funds sufficient to purchase an all-terrain firefighting vehicle of a model, cost, conditions, and equipment as specified by the Kings County Fire Department.
 - ii. Providing funds to be held in a special account to pay for the purchase, maintenance, repair, or replacement of an all-terrain firefighting vehicle as set forth above. The amount of funds to be provided shall be set by the Kings County Fire Department as an amount equal to the pro rata share of the cost of purchasing a new vehicle based upon the acreage of the solar project, as well as any other factors deemed pertinent including, but not limited to, the project's proximity to other solar projects, agricultural or residential developments, or fire stations.

16. Fire Suppression Systems and Access to Water:

- a. Any fire suppression systems will need to meet all applicable State and Kings County Fire Department requirements.

- b. The fire protection system, including fixed and portable extinguishing systems, must be up to date on required annual fire inspections and tests and be approved by the Kings County Fire Department.
- c. The Fire Department may require a supply of firefighting water available in a storage tank(s) on site. The amount of water required and any required connections shall be in accordance with NFPA 1142 and the Kings County Fire Department. The tank shall be equipped with a pressure system and float valve device to keep the tank full at all times.

17. Gates and Address Numbers:

- a. Four-inch reflective address numbers at the main street side entrance shall be installed pursuant to Section 505.1 of the California Fire Code.
- b. Where gates are provided, a means for Fire Department entry shall be provided. Manual gates shall have a Fire Department Knox key lock provided. Powered gates shall be provided with a Fire Department Knox access override system. Gates shall open inward and gate entrances shall be 4 feet wider than the lane serving the gate and be located a minimum of 30 feet from the roadway to allow a vehicle to stop without obstructing traffic. A Knox pad lock shall be placed on chained gates or Knox box with gate access keys mounted at the main entrance for Fire Department access.

18. On-Site Fire Extinguishers:

- a. There will be a minimum rated 4A60BC fire extinguisher located at each inverter pad and transformer pad, mounted on a bollard protected from the weather or in a cabinet. All extinguishers shall be mounted with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions. These extinguishers must be maintained per California Fire Code.
- b. A minimum of one fire extinguisher shall be on site during construction of the facility. The required number and type of extinguishers on site during construction will vary by size of the facility.
- c. Employees shall be familiar with the use of fire safety equipment.

19. On-Site Battery Storage Units or Devices:

- a. The addition of battery storage units or devices will trigger additional Fire Department requirements dependent upon the battery technology and design selection employed. Requirements may include, but shall not be limited to, the purchase of specialized hazmat vehicles along with mandated training of Fire Department personnel.

20. Training Regarding Interruption of Electrical Power Supply:

- a. Subject to Fire Marshal approval, applicant shall provide training for fire personnel to be able to interrupt electrical power safely for emergency incidents requiring fire suppression or rescue activities.

21. Maintenance of Site:

- a. Areas within the solar array must be maintained free of flammable materials; **annual vegetation must be maintained at a height of less than four inches.**
- b. A clear, brush-free area of ten feet (thirty feet in the SRA) shall be required around ground-mounted photovoltaic arrays. This area shall be cleared of all dry grass, weeds, rubbish, trash, litter, tires, tree stumps, and other waste material, or any flammable material.

KINGS COUNTY HEALTH DEPARTMENT: (Contact Yatee Patel of the Kings County Health Department, Division of Environmental Health Services at (559) 584-1411 regarding the following requirements.)

1. Currently the facility has an active account on the CERS website. If the facility will increase the hazardous materials quantity on site, it shall be reflected in required reporting on the CERS website: <https://cersbusiness.calepa.ca.gov/Account/SignIn?ReturnUrl=%2f>.

SANTA ROSA RANCHERIA TACHI YOKUT TRIBE: (Contact Shana Powers, Tribal Historic Officer/Cultural Director, at (559) 924-1278 concerning the following requirements.)

1. **Prior to any ground disturbance and issuance of building permits,** the applicant shall enter into a curation agreement with the Santa Rosa Rancheria Tachi Yokut Tribe regarding the cultural resources and a burial treatment and protection plan, which shall be in a form acceptable to the Tribe.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT: (Contact SJVAPCD at (559) 230-5800 concerning the following requirements.)

1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District *Regulation VIII* requirements.

WESTLANDS WATER DISTRICT: (Contact Kori Peterson of WWD at (559) 241-6231 concerning the following requirements.)

1. The applicant shall comply with Westlands Water District letter dated June 24, 2024 (attached as Exhibit "C").

PACIFIC GAS & ELECTRIC: (Contact Paul Takemoto of PG&E at (559) 360-0209 concerning the following requirements.)

1. The applicant is applying for a large-scale interconnection project. If the applicant has not already done so, they need to explore the resources at this website:

<https://url.us.m.mimecastprotect.com/s/0wKvC4xy4NFB1pQBsOU41B?domain=pge.com> to find resources for the project. Once an application is submitted, our internal project team will review and contact the applicant to furnish all necessary agreements.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on August 5, 2024, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

KINGS COUNTY PLANNING COMMISSION

Riley Jones, Chairperson

WITNESS, my hand this ____ day of _____, 2024.

Chuck Kinney
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel
Kings County Code Compliance
Regional Water Quality Control Board

Attachments:

Exhibit "A" – Mitigation Monitoring & Reporting Program (MMRP)
Exhibit "B" – Kings County Fire Department Water Storage Tank Handout
Exhibit "C" – Westlands Water District letter dated June 24, 2024

P:\BUILDINGPERMITSYSTEM\GRAPHICS\PLANNING\CUP-20-002\2024 MODIFICATION\PLANNING COMMISSION\RESO.GRAPE SOLAR.MODIFICATION1.DOC

MITIGATION MONITORING AND REPORTING PROGRAM

GRAPE SOLAR PROJECT CUP 20-02

COUNTY OF KINGS, CALIFORNIA

APRIL 2021 (REVISED JUNE 2021)
(UNCHANGED FOR 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<p>Mitigation Measure AG-1: Agricultural Management Plan. Prior to the issuance of a building permit, the applicant shall submit to Kings County an Agricultural Management Plan (AMP) that provides for the ongoing agricultural productivity of the entire project site for the life of the project. The AMP shall specify that at least 90 percent of this area of the site shall be vegetated with grasses and forbs and shall be managed for dry farm seasonal sheep grazing. The AMP shall include specific provisions for soil preparation and revegetation including specifications for a seed mix which is appropriate to the soil and climatic conditions in the absence of irrigation, methods of avoiding invasive species, and a list of acceptable vegetation that meets the dietary needs of sheep. The AMP shall include detailed provisions to ensure the successful establishment of the planned vegetative cover, and shall identify appropriate maintenance activities, including conditions under which herbicides may be used, and particularly the identification and selection of herbicides that are non-toxic to livestock and wildlife. The AMP shall also prescribe the management practices for sheep grazing. The AMP shall include provisions for ongoing monitoring and annual reporting of agricultural activity on the site to the Kings County Community Development Agency. The AMP shall also comply with the requirements of the Kings County Development Code related to weed abatement and pest control.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit AMP to Kings County CDA.</p> <p><u>During Project Operation:</u> Implement AMP as approved by Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County Community Development Agency (CDA).</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that AMP is complete and in compliance with County requirements.</p> <p><u>During Project Operation:</u> Field inspections to verify implementation of AMP as approved.</p>	
<p>Mitigation Measure AG-2: Soil Reclamation Plan. Prior to the issuance of a building permit, the applicant shall submit, for review and approval by the Kings County Community Development Agency, a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life. The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate its pre-project condition, including: (1) removal of all above-ground and below-ground project fixtures, equipment, and non-agricultural driveways; (2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; (3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and (4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff until the entire project area has been restored to equivalent conditions. All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit Soil Reclamation Plan to Kings County CDA.</p> <p><u>During Project Decommissioning:</u> Implement Soil Reclamation Plan as approved by Kings County CDA</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that Soil Reclamation Plan is complete and in compliance with County requirements.</p> <p><u>During Project Decommissioning:</u> Field inspections to verify implementation Soil Reclamation Plan as approved.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<p><u>Mitigation Measure AG-3: Financial Assurance.</u> Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer’s Cost Estimate, approved by the Kings County Community Development Agency, to ensure completion of the activities under the Soil Reclamation Plan. Every 5 years from the date of completion of construction of the project, the applicant shall submit an updated Engineer’s Cost Estimate for financial assurances for the Plan, which will be reviewed every 5 years by the Kings County Community Development Agency to determine if amount of the assurances is sufficient to implement the Plan. The amount of the assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Submit financial assurance to Kings County CDA.</p> <p><u>Every Five Years:</u> Prepare and submit revised Engineer’s Cost Estimate, and submitted adjusted financial assurance to Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that acceptable financial assurance has been provided.</p> <p><u>Every Five Years:</u> Verify completion of revised Engineer’s Cost Estimate and confirm adjustment of the amount of assurance.</p>	
4.3. AIR QUALITY			
<p><u>Mitigation Measure AQ-1:</u> Apply requirements of Indirect Source Review Rule (9510) that would require emission reductions of 20 percent for NOx and 45 percent for PM₁₀ (would also reduce PM_{2.5}). To the extent feasible, this is to be achieved by requiring that off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours meet either U.S. EPA Tier 3 or Tier 4 engine standards for emissions of nitrogen oxides and particulate matter. Any required emissions reductions that cannot be achieved by the use of Tier 3 and Tier 4 equipment shall be subject to ISR fees, as determined by the San Joaquin Valley Air Pollution Control District, to fund off-site mitigations to achieve the remaining required emissions reductions.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Project Construction:</u> Utilize Tier 3 or Tier 4 equipment to the extent practicable.</p> <p>Maintain daily records of equipment use, including daily hours of Tier 3 and Tier 4 equipment use, by equipment type.</p>	<p><u>Monitoring Agency:</u> Kings County Public Works Department.</p> <p><u>Actions:</u></p> <p><u>During Project Construction:</u> Field inspections to verify utilization of Tier 3 or Tier 4 equipment.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: San Joaquin Kit Fox Protection. In order to minimize the potential for impacts to San Joaquin kit fox, the following measures shall be implemented in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys shall be conducted in accordance with the “U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance” (USFWS 2011). The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>b. <u>Kit Fox Avoidance Measures.</u> Should San Joaquin kit fox be found using the Grape Solar Project site during preconstruction surveys, the construction activity shall avoid the habitat occupied by kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified.</p> <p>c. <u>Employee Education Program.</u> Prior to the start of construction, the applicant shall retain a qualified biologist to conduct an on-site training session to educate all construction staff on the San Joaquin kit fox. This training shall include a description of the San Joaquin kit fox, a brief summary of their biology; and a list of minimization measures and instructions on what to do if a San Joaquin kit fox is observed within the Grape Solar Project site.</p> <p>d. <u>Minimization of Potential Disturbance to Kit Fox.</u> Whether or not kit foxes are found to be present, all permanent and temporary construction activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor/ Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If kit fox found on or near site, undertake avoidance measures and notify USFWS and CDFW; 3) Direct qualified biologist to conduct employee education program;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that avoidance measures have been implemented if kit fox found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>The full list of protection measures required by the USFWS during construction and operation contained in USFWS Standardized Recommendations (USFWS 2011), and is presented in Table BIO-1. The protection measures set forth in Table BIO-1 are fully incorporated into this mitigation measure by reference.</p> <p>e. <u>Mortality Reporting</u>. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p> <p>f. <u>Wildlife-friendly Fencing</u>. The perimeter fencing surrounding each phase of the Grape Solar Project shall consist of wildlife-friendly or permeable fencing that allows San Joaquin kit fox and other wildlife to move through the site unimpeded. The bottom of the perimeter fencing shall be 5 to 7 inches above the ground, as measured from the top of the ground to the lowest point of the fence. The bottom of the fence edges shall be knuckled (wrapped back to form a smooth edge) to allow wildlife to pass through safely. The fencing shall not be electrified.</p>	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Install wildlife-friendly fencing; 2) Implement disturbance minimization measures, as specified; 3) Report any kit fox mortalities as specified. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Report any kit fox mortalities as specified. 	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Conduct field inspections to verify installation of wildlife friendly fencing; 2) Conduct field inspections to confirm disturbance minimization measures have been implemented; 3) Verify that any kit fox mortalities have been reported as required. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Verify that any kit fox mortalities have been reported as required. 	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Table BIO-1

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS

(Continued on next page.)

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Table BIO-1 (Cont'd)

**U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE
CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, California Department of Fish and Wildlife (CDFW), and revegetation experts.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. The USFWS should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<p><u>Mitigation Measure BIO-2: Protection for Nesting Raptors and Migratory Birds (including Tricolored Blackbirds).</u> In order to minimize the construction disturbance to active raptor and other migratory bird nests, including tricolored blackbirds, the following measures shall be implemented in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> If tree removal, site preparation, grading, or construction is planned to occur within the breeding season (February 1 - August 31, or February 1 – September 15 for tricolored blackbirds), a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 10 days of the onset of these activities. Pre-construction surveys shall be repeated if construction halts for more than 10 days. If construction activity is planned to commence outside the breeding period, no pre-construction surveys are required for nesting birds and raptors, including tricolored blackbirds.</p> <p>b. <u>Monitoring Active Nests.</u> Should any active nests be discovered in or near planned construction zones, a qualified biologist shall continuously monitor identified nests for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, stop the work causing that change and consult with the California Department of Fish and Wildlife for additional avoidance and minimization measures.</p> <p>c. <u>Exclusion Zones for Active Nests.</u> Alternatively, should any active nests be discovered in or near the planned construction zones, the biologist shall establish a 250-foot construction-free buffer around the nest for non-listed birds, 300-foot buffer for tricolored blackbirds, 500-foot buffer for unlisted raptors, and a half-mile for listed bird species. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged. Variance from these setback distances may be allowed if a qualified biologist provides compelling biological or ecological reason to do so and if CDFW is notified in advance of implementation of a no disturbance buffer variance.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction and operations workers on the Grape Solar Project shall be trained by a qualified biologist. The tailgate training shall include a description of the Migratory Bird Treaty Act, instructions on what to do if an active nest is located, and the importance of capping pipes and pipe-like structures standing upright in order to avoid birds falling into the pipes and getting stuck. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to monitor nest(s) and notify CDFW, as needed; <u>OR</u> 3) Authorize biologist to establish exclusion zone around nest(s), as needed; 4) Direct qualified biologist to conduct employee education program;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that nest protection measures have been implemented if nest(s) found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>e. <u>Capping of Hollow Poles and Posts</u>. Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow tubes or poles be utilized on the Grape Solar Project site, the poles shall be capped immediately after installation to prevent entrapment of birds.</p> <p>f. <u>Incidental Take Authorization for Tricolored Blackbird</u>. In the event that a TRBL nesting colony is detected during surveys, and if avoidance of the colony is not feasible, an Incidental Take Permit (ITP) may be required, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities. Initiation of the ITP process requires consultation with CDFW regarding implementation.</p>	<p><u>During Construction:</u> 1) Ensure that all hollow poles and posts are capped.</p>	<p><u>During Construction:</u> 1) Conduct field inspection to confirm capping of poles and posts.</p>	
<p>Mitigation Measure BIO-3: Burrowing Owl Protection. In order to minimize the potential for impacts to burrowing owls, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Grape Solar Project:</p> <p>a. <u>Pre-Construction Surveys</u>. Pre-construction surveys shall be conducted by a qualified biologist no more than 14 days prior to the onset of ground-disturbing activity. Pre-construction surveys shall be repeated if construction halts for more than 14 days. These surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012) or the most recent CDFW guidelines. The surveys shall cover all areas of suitable habitat within the planned construction zones.</p> <p>b. <u>Avoidance of Active Nests during Breeding Season</u>. If pre-construction surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a minimum disturbance-free buffer of 250 feet shall be established around all active owl nests. The specific dimensions of the exclusion zone needed in each case to prevent nest failure or harm to individual owls shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. The buffer zones shall be enclosed with temporary fencing, and construction equipment and workers shall not be allowed to enter the enclosed setback areas. These buffer zones shall remain in place for the duration of the breeding season. After the breeding season (i.e., once all the young have left the nest), passive relocation of any remaining owls may take place, but only under the conditions described below.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>c. <u>Avoidance of Occupied Burrows during Non-Breeding Season, and Passive Relocation of Resident Owls.</u> During the non-breeding season (September through January), any burrows occupied by resident owls in areas planned for construction shall be protected by a minimum disturbance-free buffer with a radius of 150 feet around each active burrow. The specific dimensions of the exclusion zone in each case shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. Passive relocation of resident owls is not recommended by CDFW where it can be avoided. If passive relocation is not avoidable, resident owls may be passively relocated according to a relocation plan prepared by a qualified biologist.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a burrowing owl is observed within or near a construction zone.</p>	<p>3) Direct qualified biologist to conduct employee education program; 4) Implement mitigation, as needed, per recommendation of qualified biologist.</p>	<p>3) Verify completion of employee education prior to ground disturbing activities; 4) Verify implementation of any required mitigation.</p>	
<p>Mitigation Measure BIO-4: Swainson's Hawk Protection. In order to minimize the potential for impacts to Swainson's hawks, the following measures shall be implemented, as necessary, in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Pre-Construction Surveys.</u> During the nesting season prior to the construction of the Grape Solar Project within a half-mile of a potential nest tree, preconstruction surveys shall be conducted within the construction zones and adjacent lands to identify any nesting pairs of Swainson's hawks. These surveys will conform to the guidelines of CDFW as presented in <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>, Swainson's Hawk Technical Advisory Committee, May 31, 2000. No preconstruction surveys are required for construction activity located farther than a half-mile from a potential nest tree. (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys;</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>b. <u>Establish Buffers</u>. Should any active nests be discovered within 0.5 mile of proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the nest. The radius of the required buffer zone is to extend up to 0.5 mile from an active nest, with the required distance in each case to be determined by qualified biologist based on the circumstances of each case. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged.</p> <p>c. <u>Tailgate Training</u>. All workers on the construction of the project shall attend tailgate training that includes a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a Swainson's hawk is observed on or near the construction zone.</p> <p>d. <u>Replacement of Raptor Nest Trees</u>. If the project involves the unavoidable removal of known raptor nest trees, even outside the nesting season, such trees shall be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity.</p>	<p>2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p>3) Direct qualified biologist to conduct employee education program.</p>	<p>2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
<p>Mitigation Measure BIO-5: American Badger Mitigation. The following measures shall be implemented to minimize impacts to the American badger, as necessary, in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Preconstruction Surveys for American Badger</u>. During the course of pre-construction surveys prescribed for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, a report shall be written to the applicant so stating and no other mitigations for the protection of badgers would be warranted.</p> <p>b. <u>Avoidance of Active Badger Dens and Monitoring</u>. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that the badger(s) have vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active den(s) found on or near site, authorize biologist to establish exclusion zone(s) around den(s), and to monitor den(s) until end of breeding period.</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<p><i>(Continued from preceding page.)</i></p> <p>The monitor shall be required on-site until it is determined that young are of an independent age and construction activities would not harm individual badgers.</p> <p>c. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if an American Badger is observed.</p>	<p>3) Direct qualified biologist to conduct employee education program</p>	<p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
4.5 CULTURAL RESOURCES			
<p><u>Mitigation Measure CR-1: Protection of Cultural Resources.</u> In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Grape Solar Project:</p> <p>a. <u>Cultural Resources Alert on Project Plans:</u> The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.</p> <p>b. <u>Pre-Construction Briefing:</u> The project proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found.</p> <p>c. <u>Stop Work Near any Discovered Cultural Resources:</u> The project proponent shall retain a professional archaeologist on an "on-call" basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Place Cultural Resources Alert on project plans.</p> <p><u>Prior to Construction:</u> 1) Arrange for Tribe to conduct pre-construction briefing.</p> <p><u>During Construction:</u> 1) If cultural resources discovered, establish 100-foot setback zone and contact archaeologist and Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Confirm Cultural Resources Alert has been placed on project plans.</p> <p><u>Prior to Construction:</u> 1) Verify Tribe has completed briefing prior to construction.</p> <p><u>During Construction:</u> 1) Coordinate with applicant/contractor and archaeologist to ensure protection of cultural resources.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>d. <u>Mitigation for Discovered Cultural Resources:</u> If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria's Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.</p> <p>e. <u>Native American Monitoring:</u> Prior to any ground disturbance, the project proponent shall offer the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during both construction and decommissioning. Tribal participation would be dependent upon the availability and interest of the Tribe.</p> <p>f. <u>Disposition of Cultural Resources:</u> Upon coordination with the Kings County Community Development Agency, any pre-historic archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.</p>	<p>2) Coordinate with Kings County CDA, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Coordinate with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with Kings County CDA and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	<p>2) Coordinate with applicant, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Verify applicant has coordinated with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with applicant and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<p><u>Mitigation Measure CR-2: Protection of Buried Human Remains.</u> In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Grape Solar Project:</p> <p>a. Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop in the vicinity of the find and the Kings County Coroner shall be notified immediately. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD). The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p> <p>b. Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, engage project archaeologist and coordinate with Kings County CDA in implementing the legally required actions as specified in the mitigation measure.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, coordinate with applicant and archaeologist to ensure that all legally required actions are implemented.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
<p><u>Mitigation Measure GEO-1: Expansive Soils within Grape Solar Project Site.</u> Prior to the issuance of the first building permit for each phase of the Grape Solar Project, the applicant shall retain a qualified registered civil engineer to prepare a preliminary soils report, based on soil borings or excavations, to determine the potential for soils expansion and to prepare recommendations for corrective actions to mitigate potential damage to project structures due to potential soils expansion. The preliminary soils report shall be submitted to Kings County Community Development Agency Building Division for review and approval. The potential damage from soils expansion can be reduced by one or more of several alternative engineering measures, as recommended by the registered civil engineer. These measures could include: overexcavation and replacement with non-expansive soils; extending foundations below the zone of shrink and swell; chemically treating the soils with quicklime or cement; or foundation design measures. The corrective measures specified would become conditions of Building Permit approval and would be subject to inspection and approval by the Kings County Building Official.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <p>1) Authorize engineer to prepare soils report; 2) Submit soils report to Kings County CDA for review and approval.</p> <p><u>During Construction:</u></p> <p>1) Implement soils engineering measures recommended in soils report.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <p>1) Review and approve soils report as appropriate.</p> <p><u>During Construction:</u></p> <p>1) Conduct field inspections to verify implementation of soils engineering measures.</p>	
<p><u>Mitigation Measure GEO-2: Protection of Paleontological Resources.</u> In order to avoid the potential for impacts to paleontological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Grape Solar Project:</p> <p>a. <u>Preparation of PRMMP.</u> Prior to commencement of any grading on the site, a professional paleontologist shall be retained to prepare a Paleontological Resource Monitoring and Mitigation Plan (PRMMP). The PRMMP shall include: detailed recommendations on monitoring locations; a description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. A curation agreement with the Natural History Museum of Los Angeles County (LACM) or another accredited repository should be obtained at this stage.</p> <p>b. <u>Monitoring for Fossils.</u> Since the project site includes two distinct geological surface deposits with different levels of sensitivity for paleontological resources, the monitoring program provides for different monitoring procedures for each, as follows: (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> Authorize a qualified paleontologist to prepare a PRMMP, and submit to County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> Verify receipt of completed PRMMP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
<i>(Continued from preceding page.)</i>			
<p><u>Eastern Portion of Project Site.</u> The eastern 25 percent of the site area is mapped as composed of Pleistocene-age Tulare Lake Bed (Ql) deposits which have a moderate potential to yield paleontological resources. Within this area, grading and excavation shall be monitored by a professional paleontologist for an initial period to obtain a ground-level understanding of paleontological conditions within this area. If the deposits mapped in this area are found by the paleontological monitor to be not conducive to fossil preservation, the monitoring program in this area should be reduced or suspended as recommended by the paleontologist and as agreed to by the Kings County Community Development Agency (CDA).</p> <p><u>Central and Western Portions of the Site.</u> The central and western 75 percent of the site area is mapped as composed of younger Holocene basin deposits (Qb) which have a low potential to yield paleontological resources at the surface, but which is underlain by older Pleistocene-age deposits, located at varying depths but typically at least five feet below ground surface, which have a moderate potential to yield paleontological resources. Within these areas of the project site, excavations to depths of five feet or deeper shall be initially spot checked to determine whether project excavations will disturb paleontologically sensitive older alluvial deposits where scientifically significant fossils may be present. In the event that paleontologically sensitive sediments are observed, full time monitoring shall be initially implemented for excavations which extend to the depth of the older alluvial deposits. If it is determined that only sediments that are not conducive to fossil preservation are disturbed by excavation, the monitoring program should be reduced or suspended as recommended by the paleontologist and as agreed to by the Kings County CDA.</p> <p>c. <u>Work Stoppage upon Discovery of Fossils.</u> If any subsurface bones or potential fossils are unearthed during grading, excavation, and construction activities at the project site, all work within 100 feet of the find shall cease, and work within this exclusion zone shall not recommence until the applicable provisions of the PRMMP have been implemented, specifically not until the paleontologist has completed a professional evaluation of the resources and made recommendations regarding the treatment, recovery, and curation of the resources, as appropriate, and not until the recommendations for removal and stabilization of the resources have been implemented. Treatment of any significant paleontological resources shall be undertaken with the approval of the Kings County CDA.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) Eastern portion of site: Authorize paleontologist to monitor grading and excavation. 2) Western portion of site: Authorize paleontologist to monitor excavations below depths of 5 feet, as determined to be required by the paleontologist.</p> <p>3) If paleontological resources discovered, establish 100-foot setback zone, implement applicable provisions of PRMMP, in coordination with Kings County CDA;</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) Verify monitoring is being conducted as specified. 2) Review any proposed changes to monitoring program as recommended by the paleontologist; approve changes as appropriate.</p> <p>3) Coordinate with applicant and paleontologist regarding treatment recommendations; 4) Verify implementation of treatment measures.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS			
<p><u>Mitigation Measure HAZ-1: Protection from Hazardous Materials.</u> In order to protect the public from potential release of hazardous materials, the following measures shall be implemented during project construction, operation, and decommissioning:</p> <p>a. The project applicant shall prepare and implement a Hazardous Materials Business Plan (HMBP) in accordance with the requirements of, and to the satisfaction of, the Kings County Public Health Department Environmental Services Division;</p> <p>b. The project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Water Resources Control Board, and to the satisfaction of the Central Valley Regional Water Quality Control Board.</p> <p>The potential for minor spills would be largely avoided through implementation of the Hazardous Materials Business Plan (HMBP), as required under the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the Kings County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency (CUPA) for Kings County. The HMBP would include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site, and procedures for handling and disposing of unanticipated hazardous materials encountered during construction. The HMBP would include an inventory of the hazardous waste generated on site, and would specify procedures for proper disposal. As required, hazardous waste would be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by OSHA). Any accidental release of small quantities of hazardous materials would be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the CUPA for Kings County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs. Implementation of the HMBPs for each phase of the Grape Solar Project would ensure that minor spills or releases of hazardous materials would not pose a significant risk to the public or the environment.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Authorize qualified engineer to prepare SWPPP; and submit to Kings County CDA. 2) File a Notice of Intent (NOI) to State Water Resources Control Board.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>Prior to Project Operation:</u> 1) Prepare HMBP and submit to Kings County Public Health Department.</p> <p><u>During Project Operation:</u> 1) Implement HMBP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Kings County Public Health Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Verify receipt of SWPPP (CDA).</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP (CDA).</p> <p><u>Prior to Project Operation:</u> 1) Verify receipt of HMBP (Public Health).</p> <p><u>During Project Operation:</u> 1) Verify implementation of HMBP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS (CONT'D)			
<p><u>Mitigation Measure HAZ-2: Preventing Valley Fever Exposure.</u> In order to protect the public and workers from Valley Fever, the following measures shall be implemented during project construction and decommissioning:</p> <p>a. Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity.</p> <p>b. Provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)," available at http://www.cdph.ca.gov/programs/hesis/Documents/CocciFact.pdf</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Prepare Dust Control Plan and submit to SJVAPCD and Kings County CDA for approval.</p> <p><u>During Construction:</u> 1) Implement Dust Control Plan; 2) Provide workers with respirators as recommended.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Review and approve Dust Control Plan.</p> <p><u>During Construction:</u> 1) Verify implementation of Dust Control Plan and distribution of respirators.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.10 HYDROLOGY AND WATER QUALITY			
<p><u>Mitigation Measure HYD-1: Stormwater Quality Protection.</u> Prior to construction grading and prior to the decommissioning, the applicant shall be required to file a “Notice of Intent” (NOI) with the SWRCB to comply with the General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project phase shall be prepared by a licensed engineer and shall detail the treatment measures and best management practices (BMPs) to control pollutants that shall be implemented and complied with during the construction and post-construction phases of solar development. The SWPPP(s) required for decommissioning shall specify BMPs to be implemented during that final project phase. The construction contracts for each project phase, and for the decommissioning phase, shall include the requirement to implement the BMPs in accordance with the SWPPPs. The SWPPPs will specify such practices as: designation of restricted-entry zones, sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance), truck washdown areas, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, application of mulch for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area. The SWPPPs will also prescribe treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing, and siltation or sediment ponds. Upon completion of each solar phase, the finished grades beneath and around the finished rows of solar panels will be revegetated with a seed mix which has been approved by the Kings County Community Development Agency. The reestablished vegetated cover would stabilize the soils and minimize the potential for post-construction erosion. The construction contracts for each project phase, and for the decommissioning phase, will include the requirement to implement the BMPs in accordance with the SWPPPs, and proper implementation of the specified BMPs is subject to inspection by the Regional Board staff.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) File NOI with SWRCB; 2) Authorize qualified engineer to prepare SWPPP.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>During Operation:</u> 1) Implement post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Implement SWPPP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Public Works Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify filing of NOI. 2) Verify preparation of SWPPP.</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP.</p> <p><u>During Operation:</u> 1) Verify implementation of post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of SWPPP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Grape Solar Project CUP 20-02

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.17 TRANSPORTATION			
<p><u>Mitigation Measure TR-1: Traffic Safety Measures for Solar Project Construction.</u> As a condition of project approval, and prior to the issuance of encroachment permits, the applicant shall consult with the Kings County Public Works Department regarding construction activities that may affect area traffic (such as equipment and supply delivery necessitating lane closures, trenching, etc.). Additionally, the project plans will be reviewed by the appropriate County departments for conformance with all applicable fire safety code and ordinance requirements for emergency access. The contractor shall implement appropriate traffic controls in accordance with the California Vehicle Code and other state and local requirements to avoid or minimize impacts on traffic.</p> <p>Traffic measures that shall be implemented during construction and decommissioning activities include the following:</p> <ol style="list-style-type: none"> a. Construction traffic shall not block emergency equipment routes. b. Construction activities shall be designed to minimize work in public rights-of-way and use of local streets. As examples, this might include the following: <ol style="list-style-type: none"> i. Identify designated off-street parking areas for construction-related vehicles throughout the construction and decommissioning periods. ii. Identify approved truck routes for the transport of all construction- and decommissioning-related equipment and materials. iii. Limit the employee arrivals and departures, and the delivery of equipment and materials, to non-peak traffic periods (e.g., avoid unnecessary travel from 7 to 9 AM and 4 to 6 PM). iv. Provide for farm worker vehicle access and safe pedestrian and vehicle access. v. Provide advance warning and appropriate signage whenever road closures or detours are necessary. c. Construction shall comply with San Joaquin Valley Air Pollution Control District standards for unpaved roads, which include a requirement to keep vehicle speeds below 15 miles per hour. 	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Consult with Kings County Public Works Department regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p> <p><u>During Decommissioning:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA, Public Works Department, and Fire Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Coordinate with Applicant/Civil/Contractor regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Verify implementation of traffic safety measures.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of traffic safety measures.</p>	



FIRE SUPPRESSION WATER STORAGE TANKS

The following are the requirements for installation of water storage tanks in the local response area that do not have pressurized water systems within Kings County. Please contact our department if there are any questions PRIOR to installation. While all of these points may not apply to your situation, it is for your information and review. Violations of the following are enforced under the authority of the California Fire Code (CFC), Public Resource Code, and National Fire Protection Association (NFPA) and in accordance with the Kings County Ordinance Code.

1. All residential and commercial structures shall meet NFPA 1142 fire flow requirements or as specified by the Fire Department. Water Storage tanks shall meet NFPA 22 requirements. Water tank maintenance shall meet NFPA 25C, Chapter 9 requirements.

Exceptions:

- a) This shall not apply to pole barns, detached carports, and other small non-enclosed structures.
- b) Structures falling within this exception shall not have more than two sides enclosed and shall not be located within 25 feet from adjacent structures.
- c) R-3 occupancies which are single story with a square footage at or less than 2,499 square feet; and for R-3 occupancies which are two story, at or less than 2,999 square feet.
- d) Mobile homes shall not have to adhere to NFPA 1142.

Even if these exceptions are met, the Fire Department reserves the right to require a water storage tank or pool system due to the projected fire flow requirements of the property.

2. Tank Connection:

- a) Connection to the tank shall be located not less than 8" from the bottom of the tank.
- b) An approved brass shut-off valve shall be located at the tank.
- c) There shall be an elbow attached to the interior of the tank descending to no less than 2" from the bottom of the tank.

3. Pumper Connections:

- a) The Fire Department Connection (FDC) shall be equipped with a 4-1/2" male coupling. (National Hose Thread) NFPA 24-5.9.2.2
- b) The FDC shall be placed at least 40' from the building and no more than 150' from furthest portion of the structure.
- c) The FDC shall not be less than 24" or more than 36" from final grade.
- d) The FDC and piping shall be supported in an approved manner. NFPA 24-9.1.2
- e) FDC shall be protected by barrier posts if deemed necessary. NFPA 24-5.9.1.4

1. Materials NFPA 1142-8.3.2:

- a) Piping shall be listed for fire protection service and comply with AWWA standards. Piping shall be designed to withstand a working pressure of at least 150 psi. (PVC minimum of Schedule 40 for underground sections only.)
- b) All joints and fittings shall be approved and listed.
- c) Caps shall be required and may be of brass or polyurethane. They must be properly secured and arranged for easy removal by Fire Department. NFPA 24-5.9.2.2
- d) Underground piping, if applicable, shall be no less than 6" in diameter. NFPA 24-5.2.2
- e) All bends and changes in direction of the piping shall be supported with thrust blocks. (If using Schedule 40 PVC pipe for the underground, the thrust block must completely surround the galvanized elbow joint to prevent movement.)
- f) A maximum of 3-90 degree elbows shall be permitted.
- g) A tracer wire shall be installed with the underground piping.

4. Access:

- a) The tank and/or Fire Department Connections shall be accessible to all fire apparatus at all times (all weather road). Location shall not interfere with nearby objects including buildings, fences, posts or other obstructions. There shall be at least 3' of clearance in all directions and the connection shall face the engine access as directed by the Fire Department.
- b) All roadways shall have an unobstructed width of no less than 20' easement with an all-weather surface, exclusive of shoulders, capable of supporting fire department apparatus and 13' 6" in vertical clearance. CFC 503.2.1
- c) The FDC shall be located within 8' of fire apparatus access road.

5. General requirements:

- a) Plans shall be submitted to Fire Department PRIOR to installation. These plans shall include piping details (class & type), lengths, joint information, size and location of water supply, type & location of valves, FDC locations & measurements. All water tanks over 5,000 gallons need to be on an approved foundation or on a foundation that is recommended by the tank manufacturer. A set of foundation plans need to be provided and approved by the building department.
- b) Pipe depth shall be at least 3 feet (36 inches).
- c) A reliable means of automatically maintaining the water level in the tank shall be provided. (This is normally by means of a float valve)
- d) Refill piping shall not be less than ¾" galvanized pipe from the top of the tank.
- e) There shall be a 24" X 24" inspection hatch on the top of the tank.
- f) There shall be a ladder available for all inspections.
- g) There shall be a vent of 4", equivalent to the outlet size located on the top of the tank. (This vent shall be protected from invasion of excessive dirt and/or living things.
- h) A floater shall shut off at least 2" below the water line (see schematic).
- i) Poly tanks shall not exceed 10,000 gallons.
- j) Only two tanks will be allowed to achieve water storage requirements.
- k) The metal ring that forms the base for the tanks shall be three inches wide.
- l) The water shall be onsite and in service prior to combustible material on site.

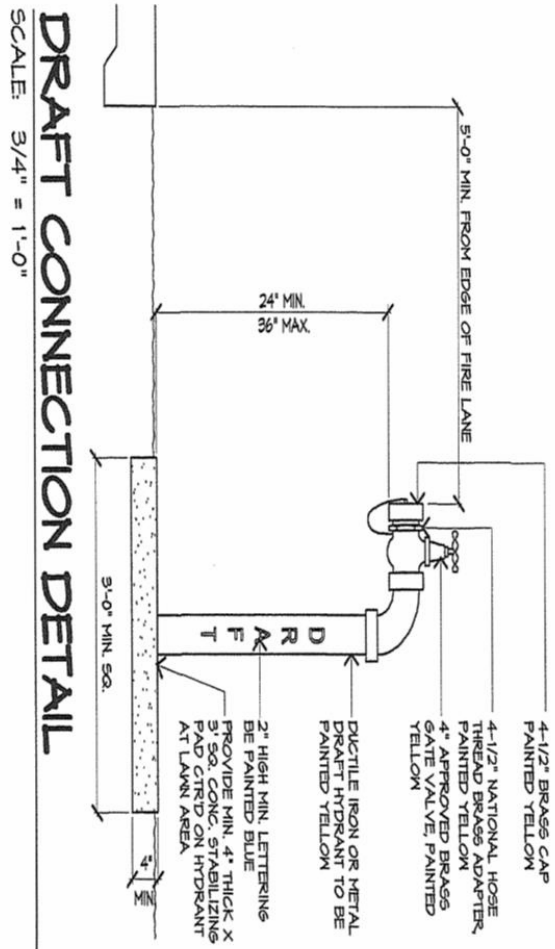
6. Testing:

- a) Provide a copy of Contractors Material & Test Certificate furnished by the installing contractor.
- b) Trench shall be backfilled between joints before testing to prevent movement of the pipe. All joints shall be visible during testing.
- c) All new service mains shall be tested hydrostatically at not less than 50 psi for 2 hours.
- d) Testing shall be done in the presence of the Fire Department.
- e) All control valves and FDC's shall be fully opened and closed under system pressure.

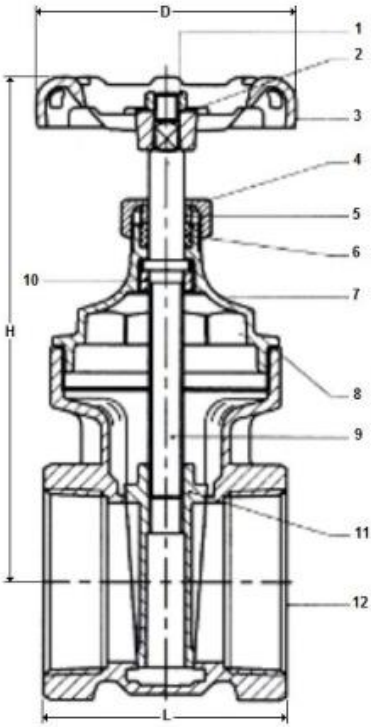
Contact the Fire Department at (559) 852-2881 for the following inspections:

- 1. Rough inspection-
 - To check clearances of connections
 - Fire apparatus roads and road conditions
 - Pressure test of underground
 - Need ladder to verify location of interior piping and float valve

- 2. Final Inspection-
 - Flushing of line
 - Checking the water refill capabilities
 - Make sure tank is full of water
 - Inspect remaining hardware

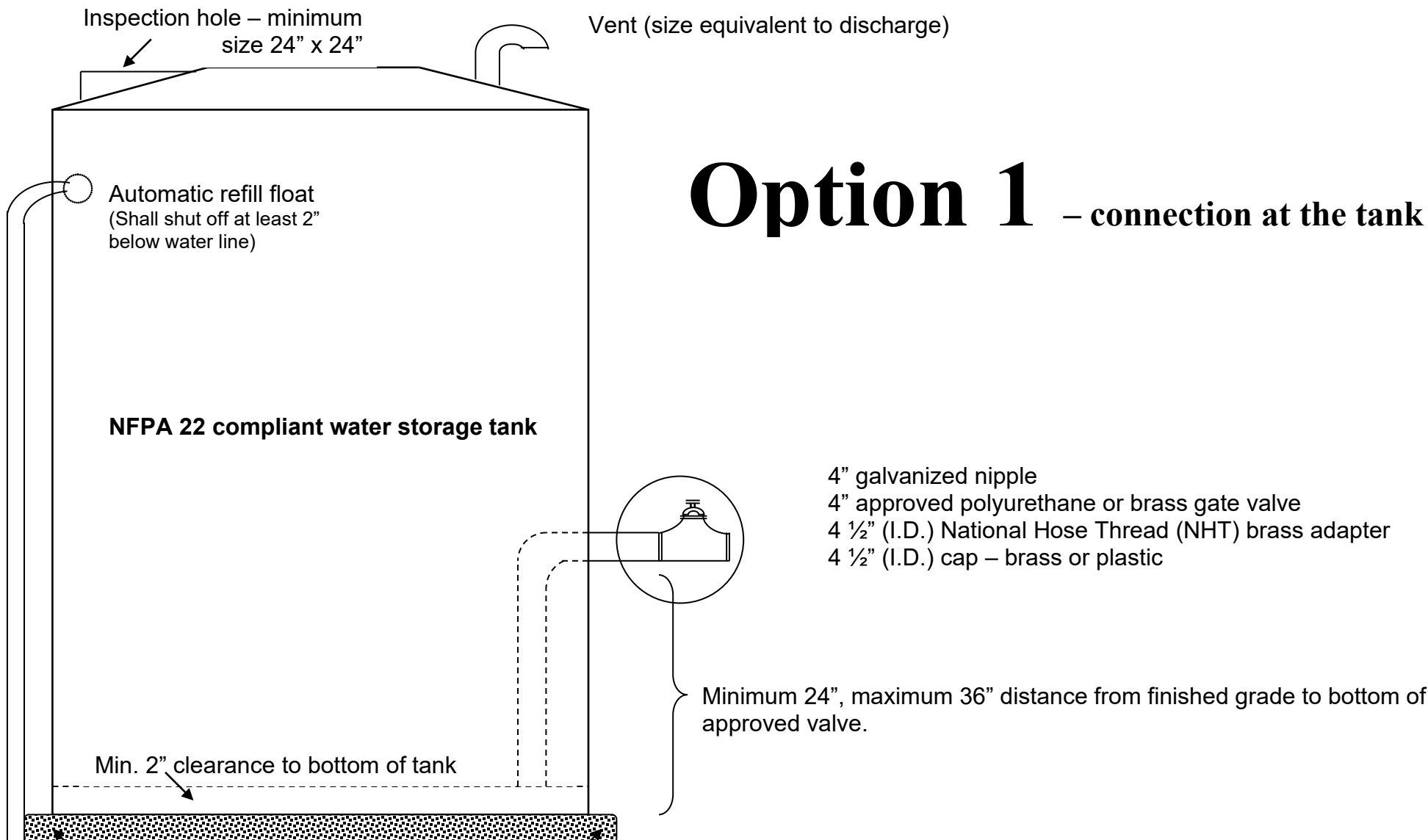


514T Full Port Gate Valve





Part Number	DMH4045F
Material	Cast Brass
Male Thread	NPT x NST (NH)
Male Thread Size	4" x 4-1/2"
Weight Lb	5.6300



Option 1 – connection at the tank

- 4" galvanized nipple
- 4" approved polyurethane or brass gate valve
- 4 1/2" (I.D.) National Hose Thread (NHT) brass adapter
- 4 1/2" (I.D.) cap – brass or plastic

Minimum 24", maximum 36" distance from finished grade to bottom of approved valve.

Min. 2" clearance to bottom of tank

Steel ring filled w/ smooth DG or pea gravel. Tanks 5000 gallons or greater shall have an engineered foundation – Separate Building permit required.

Provide proper support for Fire Department Connection (*when required*).

The Fire Marshal shall pre-determine the location of the tank and inspect for access during the permit process.

From pump or water source: minimum 3/4" residential / 2" commercial water supply line
 NFPA refill requirements shall be met

Vent (size equivalent to discharge 4")

The Fire Marshal shall pre-determine the location of the tank and inspect for access during the permit process

Inspection hole – minimum size 24" x 24"

Automatic refill float

Option 2 – remote connection

NFPA 22 compliant water storage tank

Piping shall comply with NFPA 22, 14.2.2.2

6" pipe up to 25,000 Gallons

8" pipe 25,001 to 100,000 Gallons

10" pipe 100,000 + Gallons

4" galvanized nipple

4" approved polyurethane or brass gate valve

4 1/2" (I.D.) National Hose Thread (NST) brass adapter

4 1/2" (I.D.) cap - brass or plastic

Approved gate valve (Locked open)

Minimum 24", maximum 36" distance from finished grade to bottom of approved valve. (May require vehicle protection)

Flanged cast iron, steel pipe or welded steel pipe

Min. 2" clearance to bottom of tank

8" min.

Provide concrete stabilizing pad for draft connection. Refer to draft connection detail.

6" Schedule 40 PVC min. NFPA 1142, 8.3.2

Steel ring filled w/ smooth DG or pea gravel. Tanks 5000 gallons or greater shall have an engineered foundation – Separate Building permit required.

From pump or water source: minimum 3/4" residential / 2" commercial water supply line; NFPA refill requirements shall be met.

Thrust blocking

Bury depth: min. 3'



Westlands Water District

June 24, 2024

Noelle Tomlinson, Planner
Planning Division
Kings County Community Development Agency
1400 W. Lacey Blvd., Engineering Building #6
Hanford, CA 93230

SUBJECT: Comments Regarding Conditional Use Permit (CUP) No. 20-02
Amendment (Westlands Grape Solar)

Dear Ms. Tomlinson,

Westlands Water District (District) reviewed CUP 20-02 Amendment, the proposal to exchange 640 acres with previously approved Westlands Cherry Solar, relocate the substation and project operations area, and to construct a steel storage building at the project operations yard on approximately 1,112.68 acres of District owned land on Assessor Parcel Numbers (APN) 026-0320-021, 026-320-025, 026-330-033, 026-330-034, 026-330-035, 026-330-036, 026-330-037, 026-330-055, and 026-330-057 and approximately 646.51 acres of privately owned land on APN 026-320-017, 026-320-020, and 026-330-032. The District offers the following comments.

- The project lies within the District boundary and some of the land is eligible to receive an allocation of water from the District's agricultural water service contract. The description indicates the project will be temporary in nature, will be decommissioned after the useful life, and the land will be returned to a condition that is suitable for agricultural use. Based on these factors, the privately owned project parcels may be eligible to maintain Eligible Cropland status and related water supply benefits from the District, provided the additional requirements of the District's Article 2, and Appendix A thereto, are met.
- The Applicant indicated the proposed water sources are on-site groundwater wells and through imported surface water supplies provided by the District. The Applicant may also be eligible to apply for and receive Municipal and Industrial (M&I) water services, and the land will continue to have access to the District's Distribution system. If the Applicant is **eligible**, the District's Article 19 Rules & Regulations provide that the District will make available up to five (5) acre-feet annually per 160 acres, for solar developments on land not participating in the "Continued Benefits to Modified Agricultural Land" provisions of the District's Article 2. The Applicant's operations will be bound by the Regulations, Terms and Conditions established by the District for M&I use.

- A copy of the District's Rules & Regulations is available at <https://wwd.ca.gov/about-westlands/additional-information/rules-and-regulations/>.
- Based on the Project Location Map provided, the project site is located near the District's Laterals 33 and 34. Prior to construction, please contact Underground Service Alert (811).
- Should the proposed project site or water source for the project change, please notify the District.

Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Kori Peterson at 559-241-6231.

Sincerely,

A handwritten signature in black ink that reads "Russ Freeman". The signature is written in a cursive style with a large initial "R".

Russ Freeman, P.E.
Deputy General Manager of Resources

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Modification No. 1 to Conditional Use Permit No. 22-05 August 5, 2024

APPLICANT: Westlands Cherry, LLC, Robert G. Dowds, Manager
4700 Wilshire Boulevard, Los Angeles, CA 90010

PROPERTY OWNER: Westlands Water District
286 W. Cromwell Ave., Fresno, CA 93711

Lincoln Grantor Farms, LLC
1306 W. Herndon #101, Fresno, CA 93711

Cantua Orchards, LLC
1306 W. Herndon #101, Fresno, CA 93711

LOCATION: The proposed project is an approximately 2,079-acre site located north of Nevada Avenue, west of State Route 41, south of Laurel Avenue, and east of 28th Avenue. The unimproved 25th Avenue alignment passes along the east side of the project site. The proposed project, as modified, is to be located at 24924 Nevada Avenue, Stratford, Assessor's Parcel Numbers 026-300-034, 026-320-006, -010, -011, -017, -020, -021, -022, -023, -024, and 026-330-037.

GENERAL PLAN DESIGNATION: Exclusive Agriculture (AX) (western 160 acres) & General Agriculture – 40 Acre (AG-40) (remaining 1,919 acres)

ZONE DISTRICT CLASSIFICATION: General Agriculture – 40 Acre Minimum (AG-40)

CONDITIONAL USE PROPOSED: The applicant proposed to modify previously approved Conditional Use Permit No. 22-05 (Westlands Cherry Solar Project) for the construction, operation, maintenance, and decommissioning of a 250 megawatt commercial solar photovoltaic facility with battery storage, as follows: (1) revise the external boundaries of the Westlands Cherry Solar Project by equally exchanging 640 acres with the previously approved Westlands Grape Solar Project adjacent to the east; (2) revise the location of the project operations area to a site located approximately 1.1 miles east; and (3) include an approximately 9,600 square foot steel building for the storage of spare parts in the project operations area.

DISCUSSION:

On November 7, 2022, the Kings County Planning Commission approved Conditional Use Permit (“CUP”) No. 22-05 (Westlands Cherry Solar Project) by adopting Resolution No. 22-06. CUP No. 22-05 was approved to develop a 250 megawatt (MW) photovoltaic solar energy generating facility with battery storage to be constructed on approximately 2,079 acres of agricultural land. The Cherry Solar Project site is located within the Westlands Solar Park (WSP), a master planned solar complex covering approximately 20,938 acres in west-central Kings County. The WSP Master Plan and Gen-Tie Corridors Plan was prepared by the Westlands Water District (WWD) to provide policy guidance for the reuse of retired farmlands owned by WWD, which comprise approximately half of the Master Plan area.

The solar generation from the Cherry Solar Project is planned to be conveyed to the State’s electrical grid via an approximately 15-mile-long gen-tie line extending west to the Gates Substation on Jayne Avenue in Fresno County. The 8.7-mile-long Kings County segment of the gen-tie line was previously approved by the Kings County Planning Commission as part of the Aquamarine Solar Project and Gen-Tie Line (CUP No. 17-04). This gen-tie line is intended to serve the Cherry Solar Project as well as other solar projects within the Westlands Solar Park Master Plan area.

The elements of the proposed CUP modification are described in detail below:

1. Exchange of Lands with Westlands Grape Solar Project

The approved Cherry Solar Project is located on a 2,079.1-acre site located north of Nevada Avenue between State Route 41 and 25th Avenue. The proposed modification would revise the external boundaries of the Cherry Solar Project by way of equal exchange of acreage with the approved Grape Solar Project adjacent to the east. This would transfer 640 acres from the Cherry Solar Project to the Grape Solar Project and transfer 640 acres from the Grape Solar Project to the Cherry Solar Project. The total gross area of the Cherry Solar Project would remain the same as the originally approved CUP acreage at 2,079.1 acres.

Cherry Solar – CUP Modification – Revised APNs and Acreage Breakdown
 [CUP No. 22-05 – Approved November 7, 2022]

APN	Approved Cherry CUP Acreage	Acres Exchanged with Grape Solar		Modified Cherry CUP Acreage
		To Grape	From Grape	
026-300-034	320	--	--	320
026-320-006	640	--	--	640
-010	0	--	+160	160
-011	0	--	+160	160
-017	479.1	-160	--	319.1
-020	640	-480	--	160
-021	0	--	+57	57
-022	0	--	+80	80
-023	0	--	+80	80
-024	0	--	+80	80
026-330-037	0	--	+23	23
Totals	2,079.1	-640	+640	2,079.1

2. Planned Change in Location of the Project Operations Center

On the approved CUP No. 22-05 site plan for the Cherry Solar Project, the project operations center, including the project substation, Operations & Maintenance (O&M) facility, and 250-MW battery storage

facility, was planned to be located on an approximately 10-acre site adjacent to the eastern site boundary, approximately 1.0 mile north of Nevada Avenue.

The modification proposes to revise the location of the project operations center to a site located approximately 1.1 mile east to the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment. No changes to the size or composition of the operations center are proposed. Under the modified plan, the previously approved site of the operations center would be utilized for solar arrays equal to the area of solar arrays previously planned for the revised location of the operations center. Therefore, there would be no change in size of the solar collection fields or in any of the construction details related to the solar collection fields.

3. Planned Addition of Steel Storage Building

Approved CUP No. 22-05 for the Cherry Solar Project does not include any storage buildings. The modification proposes to add a steel building for the storage of spare parts. The steel storage building would be located in an open area of the O&M yard and would have a floor area of approximately 9,600 square feet with dimensions of 120 feet by 80 feet.

All other aspects of the Cherry Solar Project, such as construction and operational details, have not changed from the descriptions contained in the 2022 Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2022090283) that was adopted by the Kings County Planning Commission when CUP No. 22-05 was approved on November 7, 2022.

California Environmental Quality Act (CEQA) Guidelines Section 15164

California Environmental Quality Act & CEQA Guidelines Section 15164, found in the California Code of Regulations, allows for an Addendum to an approved IS/MND to be prepared when minor technical changes or additions are necessary and if the Addendum does not meet any of the requirements stated in Section 15162 for the preparation of a supplemental EIR or Negative Declaration. The Environmental Review section of this Staff Report, presented subsequently, sets forth the detailed requirements of Section 15162 and explains how the conditions which would require the preparation of the CEQA documents other than an Addendum are not present in this case.

The proposed Modification No. 1 to CUP 22-05 provides for minor changes to the Cherry Solar Project to allow for an equal exchange of acreage between the Cherry Solar Project and the previously approved Grape Solar Project, a revised location for the project operations area, and the addition of a steel storage building to the project operations area. The solar generation and battery storage system capacity would remain unchanged at 250 MW. The equal exchange of acreage between the Cherry Solar Project and the Grape Solar Project will leave both solar sites at their originally approved gross acreage (Cherry Solar Project – 2,079.1 acres and Grape Solar Project – 1,759.19 acres). The relocation of the project operations center would not detract from the solar collection fields because the solar arrays that will be displaced by the relocated operations center will be moved to and occupy the original location of the operations center. Besides the addition of the 9,600 square foot steel storage building for spare parts, there will be no substantial changes to the Project infrastructure, construction, maintenance, use, or decommissioning as described in the IS/MND. The modified Project will remain consistent with the approved CUP and will continue to be subject to the same Conditions of Approval and Mitigation Measures as previously approved by the Kings County Planning Commission, except for those Conditions that have been slightly revised and updated for consistency with current County practices.

The modified Project would not result in any effects to environmental resources that are more severe than those described in the approved IS/MND. All Mitigation Measures and Conditions associated with the

original Project would be applied to the modified Project. As is the case with the approved Project, the modified Project would have a less-than-significant impact on Aesthetics, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. As is the case with the approved Project, the modified Project would have a less-than-significant impact with the implementation of the approved mitigation identified for Agriculture & Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation, and Tribal Cultural Resources.

As required by CEQA Guidelines Section 15162, the County has evaluated circumstances surrounding each of these environmental topics in Addendum No. 1 to the IS/MND on Modification No. 1 to CUP 22-05 for the Cherry Solar Project. The Mitigation Monitoring and Reporting Program (“MMRP”) is attached to Planning Commission Resolution No. 24-07 as Exhibit”A”.

CURRENT USE OF SITE:

Historically, the Project Site has been used for the cultivation of crops such as tomatoes, cotton, and wheat. In recent years, the Site has been cultivated for winter wheat and left fallowed seasonally. Several former agricultural irrigation canals and ditches run alongside and within the Project Site, but these are no longer used and are also dry. Within the eastern boundary there is a 30-acre area occupied by a former tailwater basin which historically received irrigation return flows but has been dry for the past several years with the advent of drip irrigation that eliminated such return flows.

The unimproved 25th Avenue alignment passes through the eastern portion of the Project Site. The Project Site includes several wells and irrigation pump stations, filter stations, tanks, and standpipes in various locations. Three WWD water transmission pipelines, and three former oil/gas wells. A 12-kV power line runs through the center of the Project Site from Nevada Avenue north to the former pump station at the former tailwater basin. There are no buildings or other structures on the Cherry Solar Project Site.

LAND USE

SURROUNDING SITE:

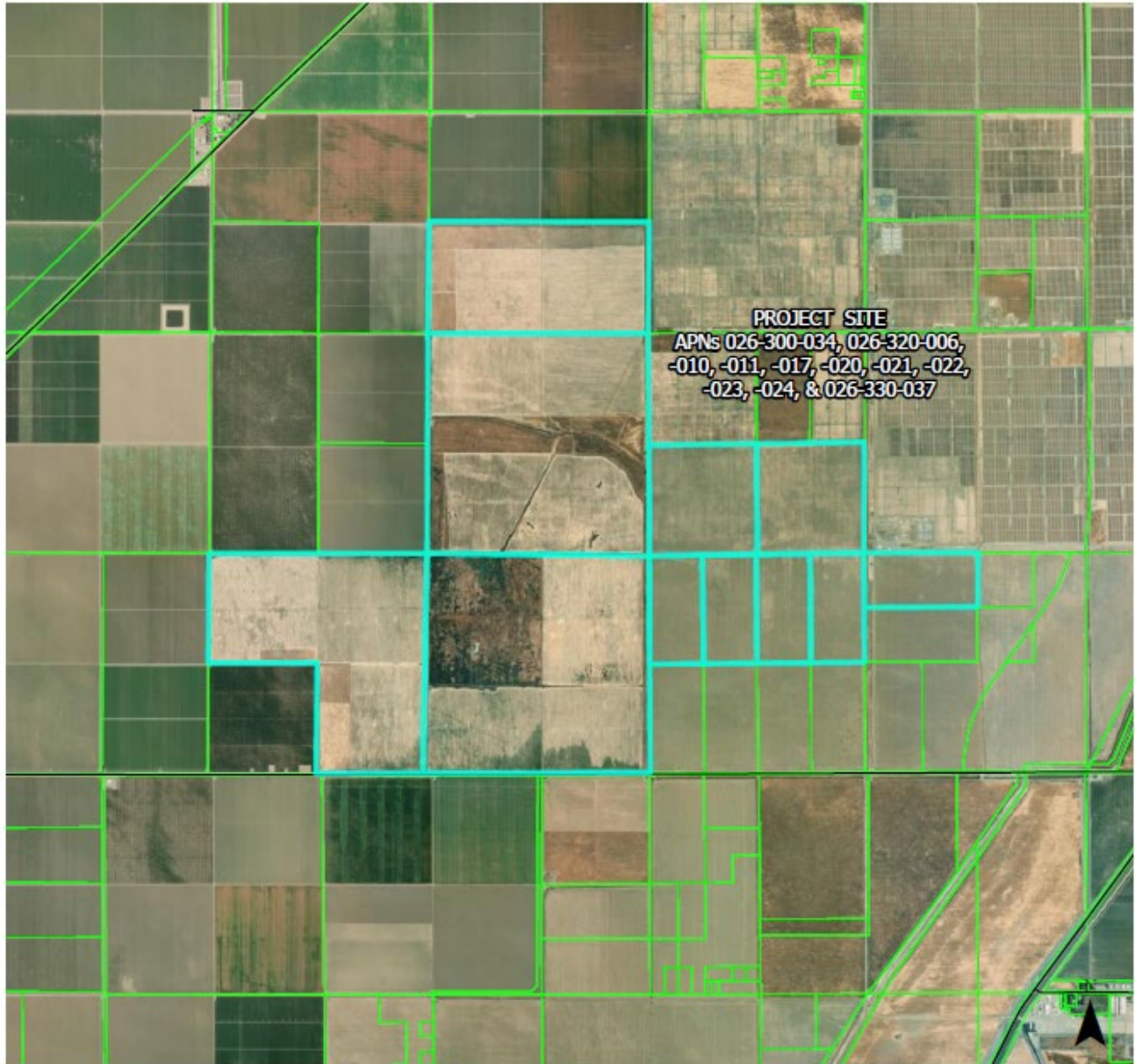
All of the lands surrounding the Project Site (including the 640-acre area proposed to be added to the east side of the Cherry Project Site) consist of agricultural lands planted in row crops or tree crops, with some fields fallowed seasonally. The existing structures in the vicinity include: the Shannon Ranch complex (including 20 dwellings) located within 1.0-mile northwest on Avenal Cutoff Road and the Stone Land Company Ranch located 1.5 miles west on Nevada Avenue.

Notable changes on adjacent lands include the completion of the 250-MW Solar Blue Project to the north and the 150-MW Castanea (formerly Chestnut) Solar Project to the northeast in 2023. The 300-MW Daylight Legacy Solar Project to the northwest was approved in April 2024 and is set to start construction in 2025. No other substantial changes to surrounding lands have occurred since 2022.

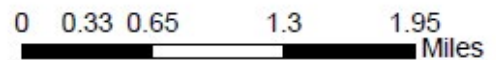
Site Location Map

Conditional Use Permit No. 22-05 Amendment
(Westlands Cherry Solar)

County of Kings
Community Development Agency

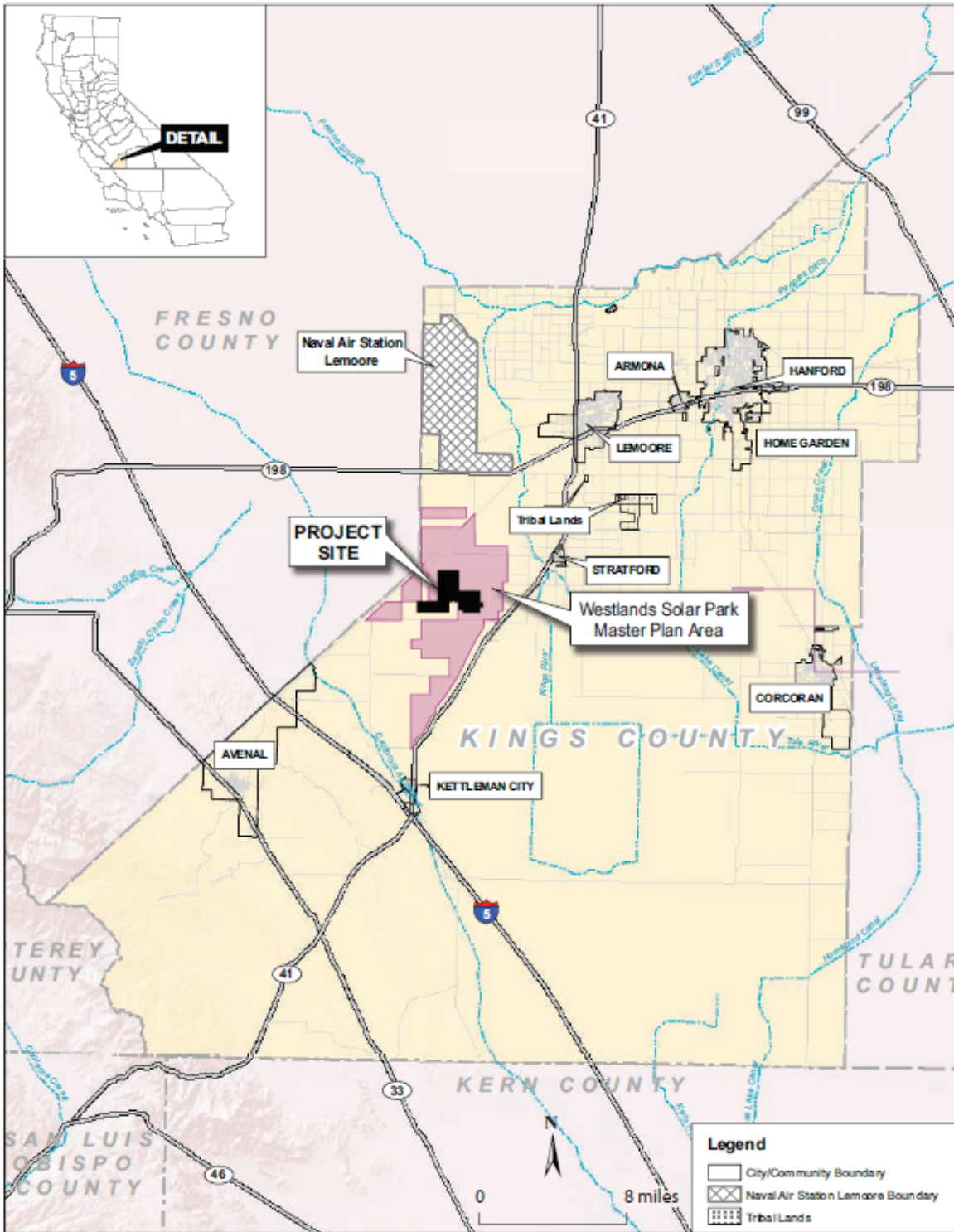


Produced by: Noelle Tomlinson
Tuesday, June 11, 2024
Kings County Community Development Agency
1400 W. Lacey Boulevard, Hanford CA, 93230
(559) 852-2670



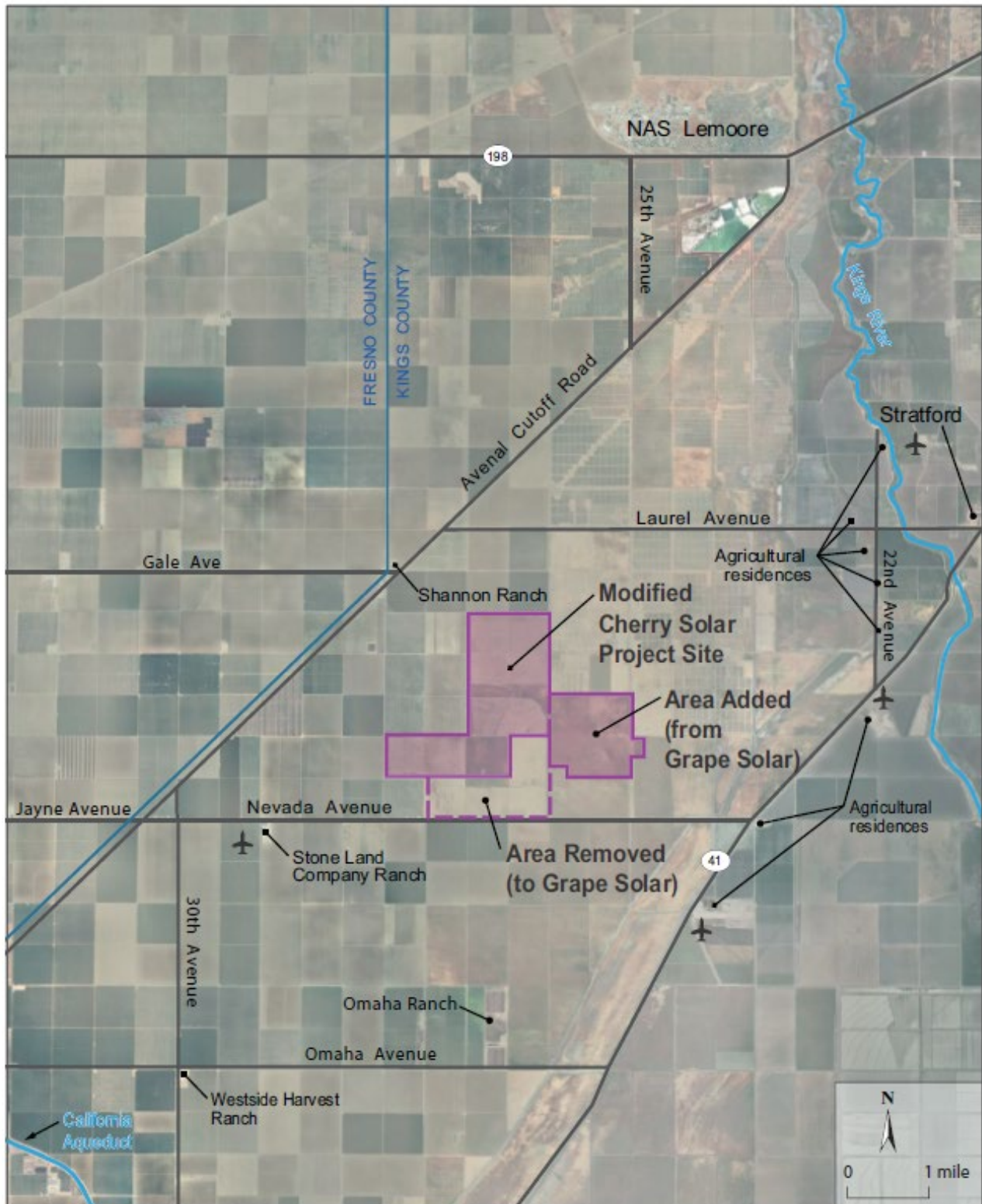
LEGEND

 Project Site



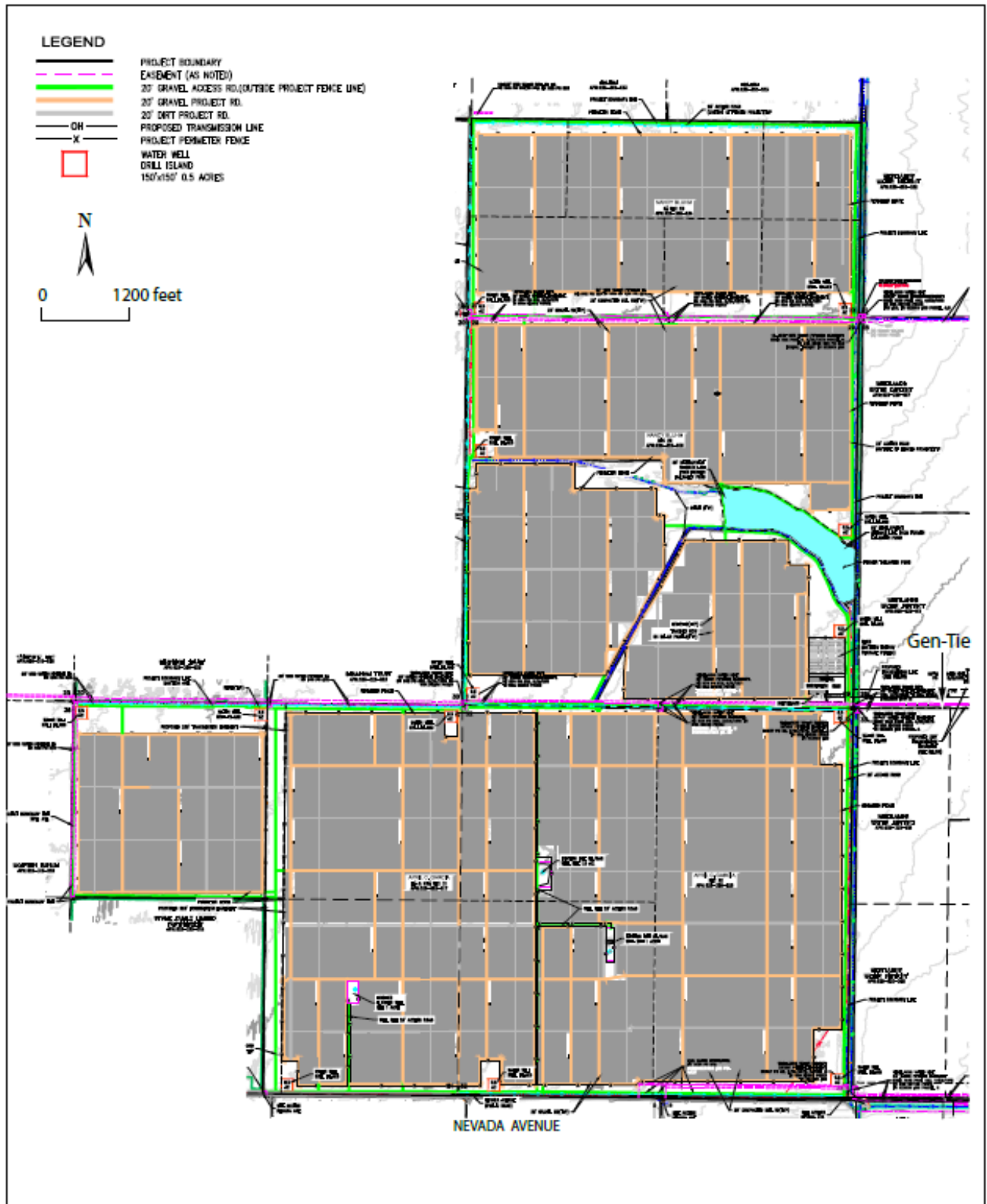
Source: Kings County Community Development Agency

Regional Location
Figure PD-1



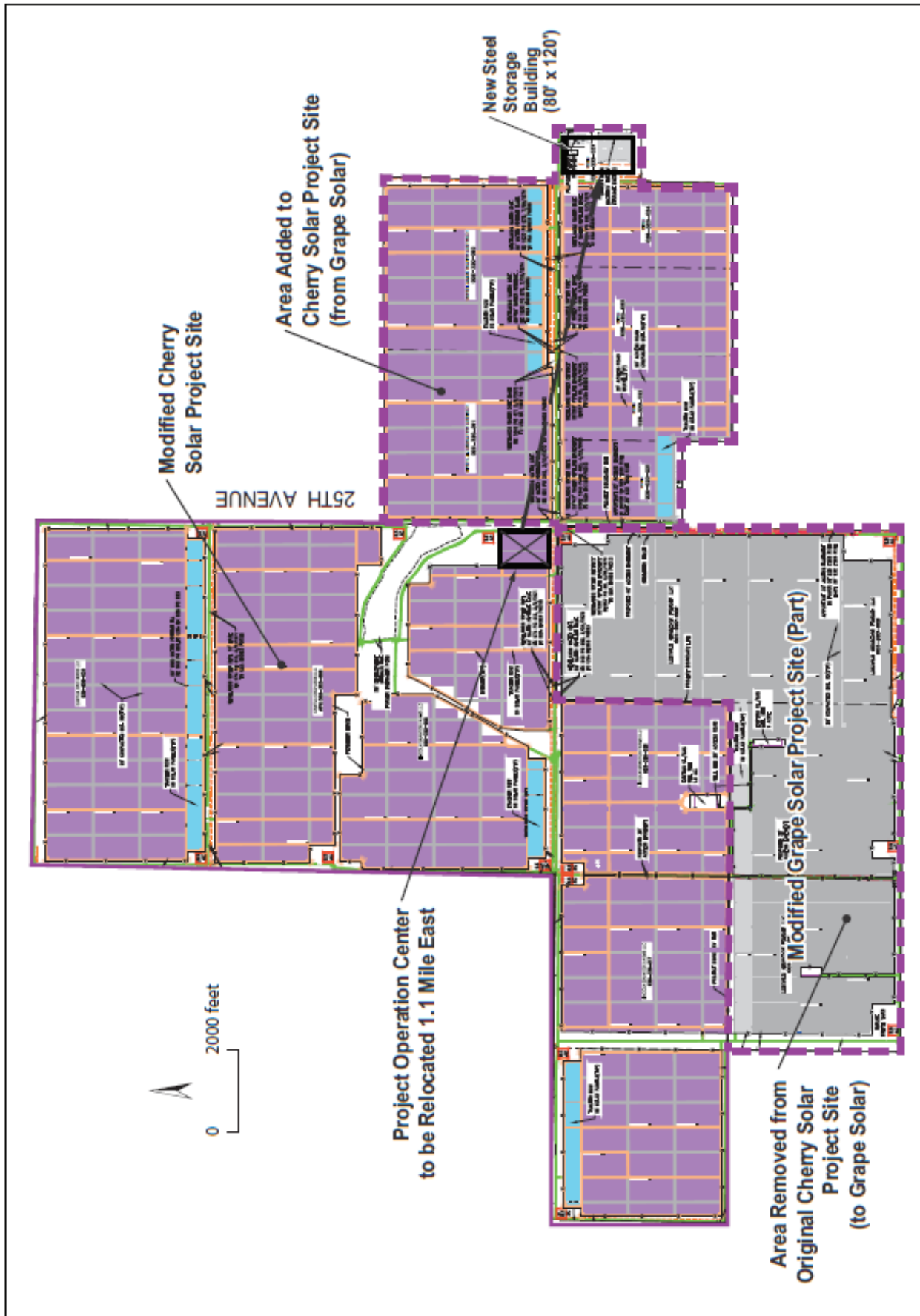
Source: Google Earth, 2024

Project Vicinity
Figure PD-2



Source: DK Engineering

Approved Site Plan
Figure PD-3



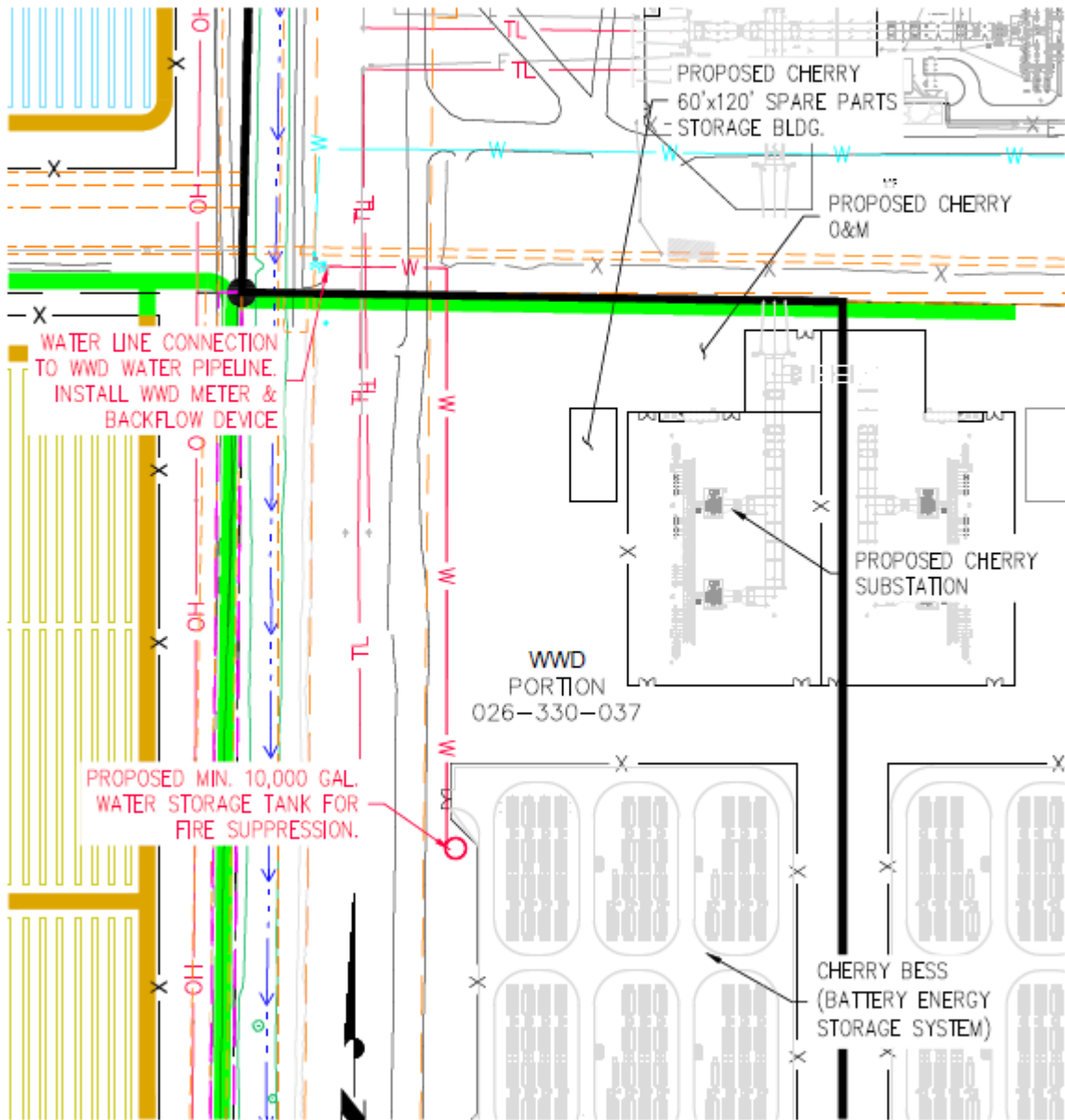
Modified Site Plan
Figure PD-4

Source: DK Engineering



CHERRY SOLAR WATER TANK CONCEPT PLAN

JUNE 07, 2024



WATER LINE CONNECTION TO WWD WATER PIPELINE. INSTALL WWD METER & BACKFLOW DEVICE

PROPOSED MIN. 10,000 GAL. WATER STORAGE TANK FOR FIRE SUPPRESSION.

F:\PROJECTS\2019\19-100-RESLANDS SOLAR PARK\WWD\DWG\CHERRY-CUP-CHERRY-SITE PLAN-1902.DWG 6/7/2024



SHEET 1 OF 1

ENVIRONMENTAL REVIEW:

The original IS/MND was prepared for CUP No. 22-05 in compliance with the *California Environmental Quality Act (CEQA)* and was adopted by the Kings County Planning Commission on November 7, 2022. The IS/MND concluded that any potentially significant adverse impacts associated with the Westlands Cherry Solar Project would be mitigated to a less-than-significant level by implementing the mitigation measures identified in the IS/MND. The identified Mitigation measures (MMs) are carried out through implementation of the Mitigation Monitoring and Reporting Program (MMRP) contained in “Exhibit A” of the Planning Commission’s Resolution No. 22-06.

The State CEQA Guidelines, Section 15164, allows for an Addendum to an approved IS/MND to be prepared when minor technical changes or additions are necessary and if the project does not meet any of the requirements stated in Section 15162 which would require preparation of subsequent EIR or Negative Declaration. The County has determined that none of the conditions described in Section 15162 calling for the preparation of such an alternative CEQA document, have occurred as described below:

1. No substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR or Negative Declaration;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Addendum No. 1 to the IS/MND has been prepared to analyze potential environmental impacts associated with proposed Modification No. 1 to CUP No. 22-05. No potential impacts were identified beyond those identified in the approved IS/MND. The proposed project may have significant adverse impacts on the environment; however, those impacts can be mitigated to an insignificant level by implementing the mitigation measures identified in the Mitigation Monitoring & Reporting Program (MMRP) adopted by the Planning Commission on November 7, 2022, as modified in the revised MMRP contained in Exhibit “A” of the Planning Commission Resolution No. 24-07.

As stated in CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration. Accordingly, Addendum No. 1 to the IS/MND for the proposed Modification No. 1 to CUP No. 22-05 was not circulated for public review.

PROJECT REVIEW:

Original CUP Application

June 2, 2022	Application submitted
September 6, 2022	Application certified complete
September 16, 2022	Begin 30-day review period for environmental review
October 17, 2022	30-day environmental review period ends
November 7, 2022	Planning Commission hearing

Application for Modification No. 1 to CUP No. 22-05

May 30, 2024	Application submitted
June 27, 2024	Application certified complete
August 5, 2024	Planning Commission hearing

STAFF ANALYSIS:

In order to approve this Conditional Use Permit modification, the Commission is required to make the following findings pursuant to Section 1707 of the *Kings County Development Code*:

1. The proposed use is consistent with the *2035 Kings County General Plan*.
2. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
6. That no process, equipment, or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness or to involve any undue risk of fire or explosion.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

All findings and adopted conditions of approval in Resolution No. 22-06 concerning the approval of the original Westlands Cherry Solar Project under CUP No. 22-05 remain in full force and effect, except for the minor modifications.

Regarding proposed Modification No. 1 to CUP No. 22-05, staff comments that:

1. The proposed use is consistent with the *2035 Kings County General Plan*.

Finding: The proposal conforms with the policies of the *2035 Kings County General Plan*, specifically:

- A. Figure LU-11, “Kings County Land Use Map” of the *2035 Kings County General Plan* designates this site as Exclusive Agriculture (AX) (westernmost 160 acres) and General Agriculture – 40 Acre (AG-40) (the remaining 1,919 acres of the Project Site).
- B. Page LU-13, Section III.A.1. of the “Land Use Element” of the *2035 Kings County General Plan* states that agricultural land use designations account for a vast majority of the County's land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20-Acre Minimum, General Agriculture 40-Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations related to minimum parcel size, animal keeping, and agricultural service business. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in manner that remains compatible with other uses within the County. The development of agricultural services and produce processing facilities within the Agricultural areas of the County shall develop to County Standards.
- C. Page LU-13, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the General Agriculture – 40 Acre (AG-40) designation is applied to rural areas of the county south of Kansas Avenue, excluding the Urban Fringe areas of Corcoran, the Communities of Kettleman City and Stratford, and high slope areas of the Coast Ranges. This designation allows intensive agricultural uses that by their nature may be incompatible with urban uses. Much of the land within this designation is also subject to flood hazard risk and should remain devoted to agriculture use to reduce the potential for future conflicts.
- D. Page LU-14, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the Exclusive Agriculture (AX) designation is applied around Naval Air Station Lemoore and its flight paths to reduce potential conflicts between military jet aircraft operations and surrounding land uses. Areas subject to potential aircraft noise and safety issues are designated Exclusive Agriculture (AX) to reduce the number of residences and preserve priority agricultural lands from encroachment by incompatible uses.
- E. Page LU-27, Section IV.B of the “Land Use Element” of the *2035 Kings County General Plan* states that Agricultural Open Space is the most extensive environmental category that displays the rural agricultural nature of the county. The agricultural land use designations (Limited Agriculture, General Agriculture 20 Acres, General Agriculture 40 Acres, and Exclusive Agriculture) are used to define distinct areas of agricultural intensity and protect agricultural land from the encroachment of incompatible uses. Limited and General Agriculture designated areas provide appropriate locations for agricultural support businesses, while Exclusive Agriculture provides a safety and noise buffer around the Naval Air Station. The physical development of agricultural properties is regulated and implemented by the Zoning Ordinance, in which the zone districts have the same designations: Limited Agriculture (AL-10), General Agriculture (AG-20 and AG-40), and Exclusive Agriculture (AX) are used. The minimum parcel size in the Exclusive Agriculture area is 40 acres. (Note: *Zoning Ordinance No. 269.69*)

was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015, and became effective on April 2, 2015.)

- F. Page LU-37, LU Objective B6.1 of the “Land Use Element” of the *2035 Kings County General Plan* establishes Exclusive Agriculture designated areas in coordination with Naval Air Station Lemoore (NAS Lemoore) officials to serve as an open space buffer for public safety purposes that is consistent with the base’s defined areas of operation.
 - G. Page LU-37, LU Policy B6.1.2 of the “Land Use Element” of the *2035 Kings County General Plan* states that Exclusive Agriculture shall be used along NAS Lemoore defined flight path corridors that exhibit levels of at least 70 dB CNEL aircraft generated noise to limit and discourage intensive agricultural and structure-based land uses that may pose increased risks to inhabitants and base operations.
 - H. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agriculture Open Space area and are supported for their continued operation and existence.
 - I. Page LU-38, LU Objective B7.1 of the “Land Use Element” of the *2035 Kings County General Plan* allows compatible Open Space and Public uses of land within Agriculture Open Space area of the County.
 - J. Page LU-38, LU Policy B7.1.3 of the “Land Use Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - K. Page RC-50, RC Objective G1.2 of the “Resource Conservation Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - L. Page RC-50, RC Policy G1.2.4 of the “Resource Conservation Element” of the *2035 Kings County General Plan* coordinates the siting of alternative energy facilities within the Exclusive Agriculture (AX) Zone District with the Naval Air Station Lemoore to endure such facilities will not have the potential to create a hazard for aircraft (e.g., reflective solar panels).
 - M. Page RC-50, RC Policy G1.2.5 of the “Resource Conservation Element” of the *2035 Kings County General Plan* states to site new large-scale alternative energy facilities where they can be served by existing electrical transmission lines, or where such lines can be located and designed to minimize visual, environmental, and agricultural disturbances.
 - N. Page RC-51, RC Policy G1.2.7 of the “Resource Conservation Element” of the *2035 Kings County General Plan* requires commercial solar and wind energy systems to be reviewed as a conditional use permit pursuant to the procedures of the Kings County Zoning Ordinance. (Note: *Zoning Ordinance No. 269.69* was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015, and became effective on April 2, 2015.)
2. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.

- A. The approval of proposed Modification No. 1 to Conditional Use Permit No. 22-05 (Westlands Cherry Solar Project) is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*. The proposed use should not be detrimental to public health and safety, or materially injurious to properties in the vicinity. An addendum (Addendum No. 1) to the original Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for this proposed project modification. The proposed project modification may have significant adverse impacts on the environment; however, those impacts can be mitigated to a less-than-significant level by implementing the Mitigation Monitoring & Reporting Program (MMRP) attached to the Planning Commission Resolution for this project as Exhibit “A.” The addendum to the IS/MND reflects the Planning Commission’s independent judgement and analysis.

As provided by CEQA Guidelines Section 15164, the lead agency shall prepare an addendum to a previously certified EIR or IS/MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred. An addendum is appropriate under Section 15164 where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration.

Addendum No. 1 to the IS/MND provides CEQA review for the modified Westlands Cherry Solar Project, and its evaluation determines if any changed conditions caused by the proposed project modification may result in a different environmental impact significance. The proposed Modification No. 1 for CUP No. 22-05 would not result in any new significant or substantially more severe impacts than were identified in the 2022 adopted IS/MND, and therefore an addendum to the originally adopted IS/MND is appropriate.

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
 - A. The IS/MND did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit “A.” to Resolution No. 24-07.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
 - A. The project site is located within the General Agriculture – 40 Acre (AG-40) zone district.

- B. Article 4, Section 407, Table 4-1 of the Kings County Development Code prescribes the land use regulations for “Agricultural” zoning districts. The regulations for each district are established by letter designation shown in the key to Table 4-1.
- 1) Table 4-1 lists commercial solar photovoltaic electrical generating facilities as a use requiring a conditional use permit within the General Agriculture – 40 Acre (AG-40) zone district, subject to Planning Commission approval.
- C. Article 10, Section 1004.A of the Kings County Development Code states that the regulations contained in the Agricultural Overlay Zone (AOZ) are intended to be applied to Agricultural Zone District areas where additional land use limitations are needed to implement the Kings County General Plan and address related public health and safety concerns. The AOZ is intended to provide added restrictions that are limited in scope and serve to modify the base zone district requirements. The specific purposes of the AOZ are:
- 1) Reduce potential land use conflicts around the Naval Air Station Lemoore, concerning noise and safety due to the operation of military jet aircraft.
 - 2) Enhance land use compatibility around Naval Air Station Lemoore by accommodating agriculture, aircraft, and residential uses in a compatible manner that maintains economic and national defense sustainability while also allowing residents opportunities to improve their quality of life.
 - 3) Preserve lands best suited for agricultural uses and serving as a military base safety buffer from encroachment by incompatible uses.
 - 4) Apply to Exclusive Agriculture (AX) expansion areas as adopted by the Board of Supervisors in January 2010 and any changes and/or amendments of such expansion areas and implement the policies and provisions of the Kings County General Plan.
 - 5) The AOZ shall be shown on the Zoning Map by adding the designator “AO” to the base district designation. The AOZ will be applied to all properties designated as Exclusive Agriculture (AX) as shown on Figure LU-11 of the *2035 Kings County General Plan* and currently zoned as either AG-20 or AG-40.
 - 6) The provisions in this chapter shall apply to all parcels of land located within the designated boundaries of the overlay district as illustrated on maps contained on the County zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where the overlay zoning district is not defined, the regulations of other sections of this title shall apply.
- D. Development Standards and Regulations within the Agricultural Overlay Zone:
- 1) The maximum height for any structure is 100 feet.
- E. Article 11, Section 1112.B.2 of the Kings County Development Code identifies the following standards for commercial solar electric generating systems in Agricultural Zoning Districts:

- 1) The proposed site shall be located in an area designated as either “Very Low Priority,” “Low Priority,” or “Low-Medium Priority” land according to Figure RC-13 Priority Agricultural Land (*2035 Kings County General Plan*, Resource Conservation Element, Page RC-20). “Medium Priority” land may be considered when comparable agricultural operations are integrated, the standard mitigation requirement is applied, or combination thereof.
 - a. As shown in Figure RC-13 “Priority Agricultural Land” of the *2035 Kings County General Plan*, the project site is designated as Low Priority and Low-Medium Priority. The proposed project is consistent with the requirement of the Development Code.
- 2) The proposed site shall be located within 1 mile of an existing 60 kV or higher utility electrical line. Small community commercial solar projects (less than or equal to 3 MW) may be located more than 1 mile from a 60 kV or higher transmission line subject to the following findings:
 - a. The project site is located on low or very low priority farmland.
 - b. The project site is not restricted by a Williamson Act or Farmland Security Zone contract.
 - c. The project will connect to existing utility infrastructure without building new power lines.
 - d. The project will not result in any additional easements on agricultural land, other than access easements or easements within the public Right-of-Way.
 - i. Discussion: The proposed project is not 3 megawatts or less and does not qualify as a small community commercial solar project. Therefore, the project shall be located within 1 mile of a 60 kV or greater transmission line. An existing 70 kV utility transmission line passes through the center of the project alongside the 25th Avenue alignment. The proposed project is consistent with this requirement of the Development Code.
- 3) Agricultural mitigation shall be proposed for every acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance converted for a commercial solar facility. The agricultural mitigation shall preserve at a ratio of 1:1 an equal amount of agricultural acreage of equal or greater quality in a manner acceptable to the County for life of the project. Agricultural mitigation on land designated “Medium-High” or higher priority land shall preserve an equivalent amount of agricultural acreage at a ratio of 2:1.
 - a. Discussion: Under the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP), approximately 560 acres of the project site are mapped as Farmland of Statewide Importance, approximately 1,433 acres are mapped as Grazing Land, and the remaining 86.1 acres are mapped as Urban and Built Up Land where the former tailwater basin was located. Unless mitigated, the project would result in conversion of the Farmland of Statewide Importance to non-agricultural use. To reduce the potential impacts to less-than-significant, the MMRP lists three mitigation measures. Mitigation Measure AG-1 requires an Agricultural Management Plan (AMP) that will provide for the ongoing agricultural productivity of the project

site through dry farm seasonal sheep grazing for the life of the project. Mitigation Measure AG-2 requires the preparation of a Soil Reclamation Plan which will be implemented upon project decommissioning at the end of the project's useful life. Mitigation Measure AG-3 provides the County with financial assurance in the form of a performance or cash bond, or another County-approved instrument, to ensure the implementation of Mitigation Measure AG-2. Mitigation Measures AG-1, AG-2, and AG-3 shall be submitted to the Kings County Community Development Agency prior to the issuance of building permits for the proposed project. With the implementation of these Mitigation Measures, both temporary and permanent impacts to "Farmland" would be reduced to less-than-significant levels with mitigation incorporated. No portion of the project site is designated as "Medium-High" or higher priority lands in Figure RC-13 "Priority Agricultural Land" of the *2035 Kings County General Plan*. The project is consistent with this requirement of the Development Code.

- 4) The project shall include a reclamation plan and financial assurance acceptable to the County that ensures the return of the land to a farmable state after completion of the project life and retains surface water rights.
 - a. Discussion: A Soil Reclamation Plan with County-approved financial assurances will be required through Mitigation Measures AG-2 and AG-3 and will satisfy this requirement of the Development Code.
- 5) The project shall include a pest management plan and weed abatement plan to protect adjacent farmland from nuisances and disruption.
 - a. Discussion: A pest management and weed abatement plan are conditions of approval and shall be submitted to the Community Development Agency for approval prior to the issuance of building permits. See Condition No. 15 below.
- 6) The project shall space internal access driveways per Kings County Fire Department Standards.
 - a. Discussion: Prior to the issuance of the building permit, detailed site plans showing internal access driveways shall be prepared and provided to the Planning Division and Fire Department for approval. The access driveways shall be maintained and completely surround the solar panels to allow access from any side or end. Access driveways shall not be less than 20 feet wide or spaced greater than 400 feet apart and shall provide vertical clearance of not less than 13 feet 6 inches. Detailed plans shall be provided for review and the applicant shall meet with the Fire Marshal in a timely manner upon request for clarification of any issues. See "Other Standards and Regulations" below for Kings County Fire Department requirements. With these requirements, this finding would be satisfied.
- 7) The project shall include a solid waste management plan for site maintenance and disposal of trash and debris.
 - a. Discussion: The applicant shall implement a Solid Waste Management Plan for the project. The non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill. Hazardous wastes generated during project construction, operation, and decommissioning shall be either

recycled or disposed of at a Class I disposal facility, as required. With implementation of Condition No. 17 listed below, this finding would be satisfied.

5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
 - A. The approved project and the proposed project modification were and are subject to analysis pursuant to the *California Environmental Quality Act (CEQA)* and the CEQA Guidelines. An IS/MND on the original Westlands Grape Solar Project was prepared and circulated for a 30-day public comment period. With incorporation of mitigation measures, the proposed project, as modified, will not result in any of the significant effects which are objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity. In addition to mitigation measures adopted as part of the Mitigation Monitoring & Reporting Program (MMRP), other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.
6. That no process, equipment, or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness or to involve any undue risk of fire or explosion.
 - A. The proposed facility will not be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any undue risk of fire or explosion. The proposed modified project would involve the construction, operation, maintenance and decommissioning of a solar photovoltaic power generating facility on approximately 1,759 acres of land. Hazardous materials would be handled in compliance with applicable laws and regulations regarding transport, handling, disposal, and storage. The modified Project would comply with federal and state regulations regarding the use, handling, disposal, recycling and reuse of PV cells. Lighting will be oriented and/or shielded to the interior of the site to prevent spillage onto nearby properties and rights-of-way. Solar glare would not impact flight paths or the air traffic control station. In addition, compliance with international, federal, state, and local regulations would ensure that there is a low potential for fires. A Water Tank Concept Plan has been submitted to show the location and method of water connection for the Kings County Fire Department requirement of a 10,000-gallon (at minimum) water tank equipped with a pressure system and float valve to keep the tank full at all times for fire suppression. The IS/MND and Addendum No. 1 did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit "A" to Resolution No. 24-07. Other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.

7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
 - A. The proposed modified project would include the installation of a septic tank and drain field system for the wastewater from the O&M facility. The septic system would require a building permit from the Kings County Community Development Agency – Building Division. On-site septic system facilities would be installed in compliance with the California Building Code and Kings County Plumbing Code and would be subject to the approval of the Kings County Community Development Agency and Kings County Environmental Health Services. The system shall be designed by a qualified engineer (see Building Division Requirement No. 11 below).
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
 - A. This modified project as described in the original IS/MND and Addendum no. 1 to the IS/MND will be required to comply with all applicable regulations of the SJVAPCD, including but not limited to Rules 8011 through 8081 (Fugitive Dust Prohibitions) and Rule 9510 (Indirect Source Review). The construction and decommissioning of this project will temporarily increase emissions of PM₁₀ and thus a condition of approval will require the project to comply with SJVAPCD Regulation VIII.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.
 - A. Article 16, Section 1602.A.5 requires site plans for commercial and industrial projects to be professionally drawn to a scale large enough to show all details clearly with full dimension. Site plans must include detail of the following: lot dimensions; setback measurements; all buildings and structures; yards and space between buildings; all walls, fences, and gates; off-street parking; property access; signs; loading; lighting; street dedications and improvements; landscaping; fire hydrants; on-site drainage; and any other data as required. The site plan meets all of the criteria required by Section 1602.A.5, such that the locations, sizes, and functions of all existing and proposed features can be ascertained.

STATEMENT OF FINDINGS OF CONSISTENCY:

1. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:

- A. The project site is subject to a Williamson Act and/or Farmland Security Zone Contract pursuant to *Government Code* Section 51295. On November 26, 2013, Kings County adopted Resolution No. 13-058 recognizing that certain land parcels within the County south of SR-198 and west of SR-41 (e.g., where the project site is located) that are under Williamson Act and/or Farmland Security Zone contracts are limited in agricultural production due to reduced surface water deliveries, poor groundwater quality and severe groundwater overdrafts, impaired soil conditions, and regulatory burdens. Further, the Resolution provides a soil reclamation plan and financial assurances, and if a finding can be made, based upon substantial evidence, that the proposed concomitant commercial agricultural operation is a reasonably foreseeable use of the land (taking into account surface water availability, groundwater quality and availability, and soil conditions).

The soil and water analysis reports prepared for neighboring project sites with the same soil types and conditions as the project site state that the native soils of the project area have naturally high salt levels and have been exacerbated by poor natural drainage. The short supply of high-quality water imported water limits the amount of surface water that can be applied to pre-irrigate the soil to leach out some salts. Long term soil salinity conditions are expected to increase due to lack of a subsurface drainage system and a sustainable leachate disposal outlet. This fulfills the requirements of Resolution No. 13-058 in demonstrating that poor soil and water quality, and insufficient supplies of surface and groundwater currently exist, and that the proposed concomitant commercial agricultural operation (solar facility and dry farm seasonal sheep grazing) would be a reasonably foreseeable use of the land at the modified project site. Consequently, because the project site is located within an area covered under Resolution No. 13-058, has adequately demonstrated that poor soil and water quality exist, water supply is insufficient to support agricultural crops, and because the project would allow for dry farm seasonal sheep grazing and would require a Soil Reclamation Plan and an updated Engineer's Cost Estimate for financial assurances every five years, there would be no potential conflict or conversion of land under the Williamson Act and Farmland Security Zone contracts.

2. **FLOOD PLAIN FINDINGS:**

- A. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0300C, dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

3. **AIRPORT COMPATIBILITY ZONE FINDINGS:**

- A. The project site is not located within an Airport Compatibility Zone.

RECOMMENDATIONS:

It is recommended that the Commission approve Modification No. 1 Conditional Use Permit No. 22-05 as described above and adopt Resolution No. 24-07. Approval of this Resolution will:

1. Find that the proposed Modification No. 1 to Conditional Use Permit No. 22-05 will not have significant adverse impacts on the environment and approve Addendum No. 1 to the *Mitigated Negative Declaration*.
2. Find that Planning Commission Resolution No. 22-06 concerning CUP No. 22-05 remains in full force and effect.
3. Approve Modification No. 1 to CUP No. 22-05 with specified conditions of approval.

This permit modification shall become effective upon the expiration of eight (8) days following the date on which the permit modification was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

For the information of the applicant, compliance with other adopted rules and regulations of any local or state regulatory agency shall be required by the Planning Commission. This includes but is not limited to the following:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Noelle Tomlinson of the Kings County Community Development Agency – Planning Division at (559) 852-2697 regarding the following requirements:

1. All proposals of the applicant shall be requirements unless modified herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Site Plan Review.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of the *Development Code No. 668.17*, with particular reference to the General Agriculture – 40 Acre (AG-40) Zone District standards contained in Article 4 and the standards for Conditional Use Permits contained in Article 17.
4. All signage must comply with Section 418.C of the *Kings County Development Code*. Signs shall be located outside the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
5. Any exterior lighting shall be hooded so as to be directed only on-site. Pursuant to Section 418.E of the *Kings County Development Code*, exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.
 - A. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.

- B. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
 - C. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.
6. Pursuant to Section 418.F of the *Kings County Development Code*, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
- A. Water meters: The installation of water meters to encourage water conservation.
 - B. Stormwater Drainage: The integration of onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the stormwater detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
7. Off-street parking shall be provided in accordance with Article 13, Table 13-1 of the *Kings County Development Code* and shall be installed in accordance with *Kings County Improvement Standards*. **(Note: Accessible parking requirements are listed under Building Division Requirement No. 8 below.)**
8. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site, or 2) the final inspection. (Note: the applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation.)
9. Pursuant to Section 303.G of the *Kings County Improvement Standards*, the parking area at the O&M building shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires two (2) inches of Type “B” Asphalt Concrete over four (4) inches of Class 2 aggregate base over six (6) inches of R-50 Native @ 95% compaction under the “Heavy Use” conditions. All other parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface pursuant to the “Rural Alternative”. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires Cutback Asphalt over four (4) inches of Decomposed Granite under the “Rural Alternative”. (Note: the Kings County Planning Commission hereby reserve the right to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due to vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County roads.)
10. Accessible parking spaces shall be located to minimize the travel distance to the use’s primary entrances for access. Required off-street accessible parking spaces, and standards for those spaces,

shall meet state standards.

11. Pursuant to Article 4, Section 418.B. of the *Kings County Development Code* the following are required for landscaping in Agricultural Zoning Districts:
 - A. In all Agricultural Zoning Districts, as stated in Article 15, all new construction and rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”.
12. Pursuant to Section 418.B of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
 - A. Fences, walls and hedges exceeding six (6) feet in height shall be permitted except that fences, walls, and hedges shall not exceed three (3) feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - B. Gates shall be permitted as follows:
 - 1) Gates which are used for the primary vehicular ingress and egress, and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - a. A minimum distance of twenty (20) feet.
 - b. A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
 - 2) Gates used for the primary vehicular ingress and egress, and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - a. The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - b. The gate must be operational at all times using a remote-control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - c. At any time that the gate is not operational using the remote-control device the gate must be locked in the open position or it must be removed entirely.
 - 3) Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat, or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.

13. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash, and debris.
14. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line if not fronting on a public road right-of-way. The minimum front yard setback for non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way or property line if not fronting on a public right-of-way.
 - B. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - C. The minimum rear yard setback shall be ten (10) feet from the rear property line.
15. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a pest management and weed abatement plan** which establishes set action thresholds, identifies pests, specifies prevention methods as a quantitative performance goal of nuisance reduction to adjacent farmland. Rodenticide, if used, shall be selected, and used in a manner that minimizes impacts to protected biological species.
16. The weed abatement plan shall contain specific provisions to address Russian thistle (also known as tumbleweed). The weed abatement plan shall also contain specific provisions requiring that weeds be addressed on an annual basis (prior to reaching maturity and prior to producing seeds) on the entire property that the project site is located on, the perimeter fence line, the area outside the perimeter fence to all adjacent property lines, and the area outside the perimeter fence to the adjacent County road shoulder.
17. **Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Solid Waste Management Plan** which establishes action items and specific control methods to ensure that: 1) the non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill; and 2) hazardous wastes generated during project construction and operation shall be either recycled or disposed of at a Class I disposal facility, as required.
18. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life.** The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate pre-project condition, including: 1) removal of all above-ground and below-ground project fixtures, equipment, and nonagricultural driveways; 2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; 3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and 4) application of weed-free mulch spread, as needed, to stabilize the

soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff until the entire project area has been restored to equivalent conditions. All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.

19. **Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer's Cost Estimate and approved by the Kings County Community Development Agency, to ensure the completion of activities under the Soil Reclamation Plan.** Every five (5) years from the date of completion of construction of the project, the applicant shall submit an updated Engineer's Cost Estimate for financial assurances for the Plan, which will be reviewed every five (5) years by the Kings County Community Development Agency to determine if the amount of the assurances is sufficient to implement the Plan. The amount of assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan. The fees for each five-year review of assurances shall be determined by the Kings County Board of Supervisors and paid by the owner/operator at the time of review.
20. Additional annual service impact fees affecting the Kings County Fire Department and the Kings County Sheriff Department will not be billed to the applicant. Instead, the applicant will be responsible to pay for services rendered by the two departments during times of emergency when services are provided for the project site.
21. The land upon which this project is located is subject to Farmland Security Zone Contract No. 266 & Farmland Security Zone No. 50. All land uses and structures located on this contracted land must comply with the "*Uniform Rules for Agricultural Preserves in Kings County*" and the requirement of the "*California Land Conservation 'Williamson' Act*", specifically sections 51231, 51238, 51238.1 and 51250. Failure to comply with said *Uniform Rules and Act* may result in action taken by Kings County or the State of California to enforce the conditions of the contract. Such enforcement may result in substantial monetary penalties and termination of that portion of the *Williamson Act* Contract determined to be incompatible.
22. All mitigation measures in the Mitigation Monitoring and Reporting Plan (MMRP), as modified, pertain to Modification No. 1 to CUP No. 22-05, are adopted as conditions of this approval, and are included in Modification No. 1 to Conditional Use Permit No. 22-05.
23. All terms and conditions from "Agreement Between the County of Kings and Westlands Cherry, LLC for Indemnification and Reimbursement for Extraordinary Costs No. 2202-004" (Indemnification & Reimbursement Agreement) still apply.
24. The applicant shall comply with all requirements of, and obtain any necessary permits from, the San Joaquin Valley Air Pollution Control District (SJVAPCD). Questions concerning the SJVAPCD requirements should be directed to Patrick Chimienti at (559) 230-6139.
25. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.

26. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgement of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
27. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
28. Sales, use, or transactions tax may apply to business activities on the site. The applicant may seek written advice regarding the application of tax to your particular business by writing to the nearest State Board of Equalization office. For general information, please call the Board of Equalization at 1-800-400-7115.
29. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
30. This Conditional Use Permit shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
31. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Planning Commission prior to the permit’s expiration date.
32. This approved Conditional Use Permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the Conditional Use Permit approval.
33. This permit shall become effective upon the expiration of eight (8) days following the date on which the permit was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

OTHER STANDARDS AND REGULATIONS:

In addition to the above Zoning Ordinance requirements, other standards and regulations affecting this project are listed below. These requirements are not part of this zoning approval. However, compliance is required by the departments and agencies listed below. Appeals for relief of these standards and regulations must be made through that department’s or agency’s procedures, not through the *Development Code* procedures.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements.

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.

2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A complete set of plans and calculations shall be required for all work proposed and required by this application. The plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures. Plans and calculations shall be submitted digitally to <https://cdapermits.countyofkings.com/>.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. School fees based on square footage of building shall be added to the cost of the building permit, unless the school district provides an exemption from the school fees.
7. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
8. The tenant, lessee, and/or owner are responsible for compliance with the Americans with Disabilities Act, ADA. By federal law the facility shall be made accessible to the highest degree possible.
9. Public Facilities Impact Fees for the building shall be payable at the time of the issuance of the building permit if applicable.
10. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
11. A septic system design, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
12. The facility shall meet the requirements of the State of California Model Water Efficient Landscape Ordinance. If landscaping is proposed, then landscape and irrigation plans shall be provided to the Community Development Agency for review and approval prior to building permit issuance.
13. All construction shall conform to the latest adopted edition of the California Building Standards Code which consist of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY PUBLIC WORKS DEPARTMENT Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements:

1. All requirements required hereafter shall conform to the Kings County Improvement Standards.
2. All other alternatives to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work in County right-of-way.
4. Applicant shall provide asphalt concrete drive approach(es).
5. Access to the site from a public road must be provided and must be approved by the County.
6. Additional right-of-way shall be dedicated. Right-of-way, access lanes, and easements shall be cleared of all obstructions. The clearing of all right-of-way obstructions shall be at the expense of the owner.
 - a. Right-of-way shall be dedicated at the following location(s): 33 feet along the south side of Sections 33 and 34.
7. Durable and dustless drive(s) shall be constructed.
8. Streetlights shall be installed at the following location(s) and shall conform to:
 - a. Provide a 4000 Kelvin or 120- or 139-Watt LED streetlight on a standard wood pole to be maintained and paid for by applicant at entrances to site.
9. Drive approaches shall extend a minimum of 50' beyond the County right-of-way. Drive approaches shall be 2 ½" of asphalt concrete over 10" Class 2 base rock. Drive approach shall be constructed so as storm drainage shall flow toward property.
10. Gates shall be indented to allow for sufficient distance for traffic to park off County right-of-way.
11. Fence shall be set back 1' from the County right-of-way line. Applicant shall maintain fence line and adjacent County road shoulder in weed-free condition.
12. Patch any potholes and repair any edge pavement failures or road shoulder damage that is a result of the project construction phase as directed by Kings County Public Works.
13. Design and construct all improvements necessary to provide for the safe travel of traffic on Nevada Avenue at and approaching access points to site. Primary concerns shall include the mitigation of through traffic and vehicles turning left or right off Nevada Avenue into solar site during the construction phase. Submit engineered improvement drawings for this work to the Kings County Public Works Department for review.
14. An agreement allowing for services run in County right-of-way shall be entered into with Kings County prior to the issuance of encroachment permits.

KINGS COUNTY FIRE DEPARTMENT Contact Blake Adney at the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. The Fire Department requires a supply of firefighting water available in a storage tank on the site. The amount of water required will be in accordance with NFPA 1142 and is dependent on building volume, construction type, and exact use.
2. See attachment (Exhibit “B”) for instructions on storage tank fire suppression requirements.
3. All- weather access roads capable of supporting heavy fire apparatus, of not less than twenty feet width and thirteen feet six inches of vertical clearance, shall be provided. Roads must comply with the California Fire Code.
4. A 4A 60BC fire extinguisher is required to be located in plain sight not more than other (to be determined) feet from any point in the structure. The location of fire extinguishers must be easily accessible, be easily visible, and be near entrances or exit doors. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions.
5. Employees should be familiar with the use of fire safety equipment.
6. A set of building plans must be reviewed and approved by the Kings County Fire Department.
7. The fire protection system, if provided, must be up to date on required inspections and tests and be approved by the Kings County Fire Department.
8. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
9. Property must be equipped with a Knox Box for Fire Department access.
10. Adjustment shall not interfere with Fire Department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
11. Address identification required per Section 505.1 of the California Fire Code.
12. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.
13. Other specifically:
 - a. See attached Photovoltaic Final Document for additional requirements.

PHOTOVOLTAIC SOLAR PANEL ADDITIONAL REQUIREMENTS

14. The following information shall be provided on the title page, along with three sets of 24 x 36 inch plans. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.

- a. Project location, including the full legal address of the facility, and building number(s) if applicable; tract or parcel number.
- b. The contractor's name, telephone number, address and California State contractor's license number and classification.
 - i. Identify the fire extinguisher locations, type and size, mounting style and height above finished floor. Must have a California State Fire Marshal service tag affixed to them.
 - ii. Show all roadways. Show the current property vehicle access points as well as the proposed vehicle access points for this project.
 - iii. Show the location and width of fire apparatus access lanes.

Additional Requirements.

The following additional requirements may be needed in order to obtain approval by the Kings County Fire Department if an application for a permit to build a photovoltaic solar panel facility. The Kings County Fire Department reserves the right to amend existing comments or requirements or add additional comments or requirements depending upon the hazards involved with an individual project(s).

NOTE – Satisfying the below requirements does not automatically mean your plans will be approved.

15. Access Roads:

- a. The engineering designs of all life safety and fire suppression roads shall be reviewed by the Kings County Public Works Department and approved by the Kings County Fire Department.
- b. Life safety and fire suppression access roads shall be not less than 20 feet in width around the perimeter of the site and shall include interior fire access roads of not less than 20 feet in width that are spaced so that there is not greater than 400 feet in separation between fire access roads on the interior of the site.
- c. Life safety and fire suppression access roads shall be designed, engineered, and maintained to be an all-weather surface capable of supporting the imposed loads of a sixty-five thousand (65,000) pound fire apparatus with a maximum grade of 12 percent.
- d. There shall be an unobstructed vertical clearance of 13 feet 6 inches above all life safety and fire suppression access roads.
- e. If an access road is a dead-end road, the access road shall include either a 50-foot radius at the end of the road or other Kings County Fire Department approved turnaround space.
- f. There shall be a minimum of 4 feet of separation between rows to allow access for fire suppression personnel and equipment.
- g. Facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved Life Safety and Fire Suppression access roads/entrances. It

should be noted that if the developer chooses to fund the purchase of an all-terrain firefighting vehicle, this requirement is still needed since, due to the size of the structure, more than one firefighting vehicle would be needed.

- h. At the sole discretion of the Kings County Fire Chief or his or her designee, an applicant may request to satisfy the above requirements regarding interior fire access roads by:
 - i. Providing funds sufficient to purchase an all-terrain firefighting vehicle of a model, cost, conditions, and equipment as specified by the Kings County Fire Department.
 - ii. Providing funds to be held in a special account to pay for the purchase, maintenance, repair, or replacement of an all-terrain firefighting vehicle as set forth above. The amount of funds to be provided shall be set by the Kings County Fire Department as an amount equal to the pro rata share of the cost of purchasing a new vehicle based upon the acreage of the solar project, as well as any other factors deemed pertinent including, but not limited to, the project's proximity to other solar projects, agricultural or residential developments, or fire stations.

16. Fire Suppression Systems and Access to Water:

- a. Any fire suppression systems will need to meet all applicable State and Kings County Fire Department requirements.
- b. The fire protection system, including fixed and portable extinguishing systems, must be up to date on required annual fire inspections and tests and be approved by the Kings County Fire Department.
- c. The Fire Department may require a supply of firefighting water available in a storage tank(s) on site. The amount of water required and any required connections shall be in accordance with NFPA 1142 and the Kings County Fire Department. The tank shall be equipped with a pressure system and float valve device to keep the tank full at all times.

17. Gates and Address Numbers:

- a. Four-inch reflective address numbers at the main street side entrance shall be installed pursuant to Section 505.1 of the California Fire Code.
- b. Where gates are provided, a means for Fire Department entry shall be provided. Manual gates shall have a Fire Department Knox key lock provided. Powered gates shall be provided with a Fire Department Knox access override system. Gates shall open inward and gate entrances shall be 4 feet wider than the lane serving the gate and be located a minimum of 30 feet from the roadway to allow a vehicle to stop without obstructing traffic. A Knox pad lock shall be placed on chained gates or Knox box with gate access keys mounted at the main entrance for Fire Department access.

18. On-Site Fire Extinguishers:

- a. There will be a minimum rated 4A60BC fire extinguisher located at each inverter pad and transformer pad, mounted on a bollard protected from the weather or in a cabinet. All extinguishers shall be mounted with securely fastened hangers so that the weight of the

extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions. These extinguishers must be maintained per California Fire Code.

- b. A minimum of one fire extinguisher shall be on site during construction of the facility. The required number and type of extinguishers on site during construction will vary by size of the facility.
- c. Employees shall be familiar with the use of fire safety equipment.

19. On-Site Battery Storage Units or Devices:

- a. The addition of battery storage units or devices will trigger additional Fire Department requirements dependent upon the battery technology and design selection employed. Requirements may include, but shall not be limited to, the purchase of specialized hazmat vehicles along with mandated training of Fire Department personnel.

20. Training Regarding Interruption of Electrical Power Supply:

- a. Subject to Fire Marshal approval, applicant shall provide training for fire personnel to be able to interrupt electrical power safely for emergency incidents requiring fire suppression or rescue activities.

21. Maintenance of Site:

- a. Areas within the solar array must be maintained free of flammable materials; **annual vegetation must be maintained at a height of less than four inches.**
- b. A clear, brush-free area of ten feet (thirty feet in the SRA) shall be required around ground-mounted photovoltaic arrays. This area shall be cleared of all dry grass, weeds, rubbish, trash, litter, tires, tree stumps, and other waste material, or any flammable material.

SANTA ROSA RANCHERIA TACHI YOKUT TRIBE: (Contact Shana Powers, Tribal Historic Officer/Cultural Director, at (559) 924-1278 concerning the following requirements.)

- 1. **Prior to any ground disturbance and issuance of building permits**, the applicant shall enter into a curation agreement with the Santa Rosa Rancheria Tachi Yokut Tribe regarding the cultural resources and a burial treatment and protection plan, which shall be in a form acceptable to the Tribe.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT: (Contact SJVAPCD at (559) 230-5800 concerning the following requirements.)

- 1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District *Regulation VIII* requirements.

PACIFIC GAS & ELECTRIC COMPANY: (Contact Rand Reynolds of Pacific Gas & Electric at rand.treynolds@pge.com concerning the following requirements.)

1. The applicant shall comply with PG&E letters dated June 13, 2024, and June 27, 2024 (attached as Exhibit “C”).

PREPARATION:

Prepared by the Kings County Community Development Agency Noelle Tomlinson on July 3, 2024. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

P:\BuildingPermitSystem\GraphicsPlanning\CUP-22-005\2024 MODIFICATION\PLANNING COMMISSION\StaffReport.Cherry.Solar.Modification1.doc

**ADDENDUM No. 1 TO THE
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
FOR THE**

**MODIFICATION No. 1 TO THE CUP FOR THE
CHERRY SOLAR PROJECT AND GEN-TIE LINE
KINGS COUNTY CUP 22-05**

STATE CLEARINGHOUSE No. 2022090283

KINGS COUNTY, CALIFORNIA

JUNE 2024

TABLE OF CONTENTS

1. INTRODUCTION AND BACKGROUND	1
1.1. ACTION TRIGGERING THE ADDENDUM UNDER CEQA	1
1.2. CEQA AUTHORITY FOR MND ADDENDUM	1
1.3. APPROACH TO CEQA REVIEW	6
1.4. PREVIOUS ENVIRONMENTAL DOCUMENTS.....	6
2. PROJECT DESCRIPTION	7
2.1. OVERVIEW OF APPROVED PROJECT CUP.....	7
2.2. PLANNED MODIFICATIONS TO THE SOLAR BLUE PROJECT CUP.....	7
2.3. CHANGES IN PROJECT CIRCUMSTANCES	9
3. CEQA ANALYSIS	11
3.1. INTRODUCTION	11
3.2. ENVIRONMENTAL EVALUATION	11

APPENDIX

A – MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
PD-1. REGIONAL LOCATION	2
PD-2. PROJECT VICINITY.....	3
PD-3. APPROVED SITE PLAN.....	4
PD-4. MODIFIED SITE PLAN	5

1. INTRODUCTION AND BACKGROUND

On November 7, 2022, the Kings County Planning Commission adopted the Initial Study/Mitigated Negative Declaration (IS/MND) on the Cherry Solar Project (State Clearinghouse No. 2022090283) under the California Environmental Quality Act (CEQA)(hereinafter referred to as “2022 MND”). The 2022 MND provided CEQA review and clearance for the Planning Commission’s approval of Conditional Use Permit (CUP) No. 22-05 for the Cherry Solar Project.

The CUP allows the Applicant (and any successor in interest for the life of the Project) to construct and operate a 250-megawatt (MW) photovoltaic (PV) solar generating facility, and including an electrical substation, a 250-MW battery storage facility, and an Operations and Maintenance (O&M) facility located on approximately 2,079 acres on the north side of Nevada Avenue approximately 2.5 miles west of State Route 41, specifically at 26620 Nevada Avenue, Kettleman City (see Figures PD-1 and PD-2).

1.1. ACTION TRIGGERING THE ADDENDUM UNDER CEQA

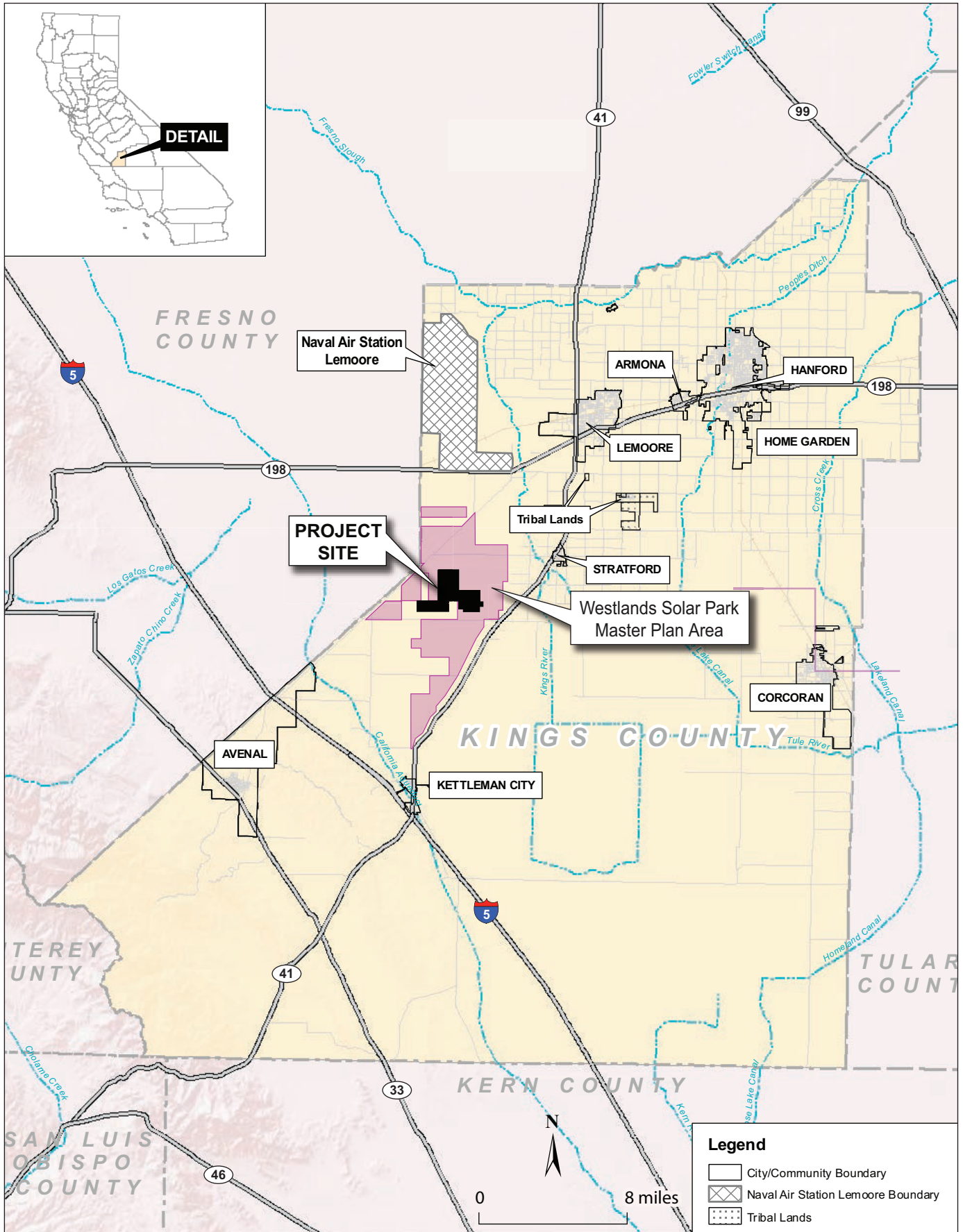
The approved CUP for the Cherry Solar Project is proposed to be modified to reflect three substantive changes. These changes are listed below and described in detail subsequently in this section.

- 1) Revise the external boundaries of the Cherry Solar Project site by way of an equal exchange of 640 acres with approved Grape Solar Project adjacent to the east (see Figures PD-3 and PD-4);
- 2) Relocate the project operations center to a site located approximately 1.1 mile east at the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment;
- 3) Include in the modified CUP an approximately 9,600 square-foot steel building for the storage of spare parts.

This MND Addendum evaluates these planned modifications to the approved Cherry Solar Project CUP. The Kings County Community Development Agency (CDA) has determined that, in accordance with Section 15164 of the State CEQA Guidelines, the planned changes to the Cherry Solar Project from the project addressed in the 2022 MND warrants the preparation of an Addendum to update the analysis provided in the 2022 MND. The basis for this determination is discussed in detail below.

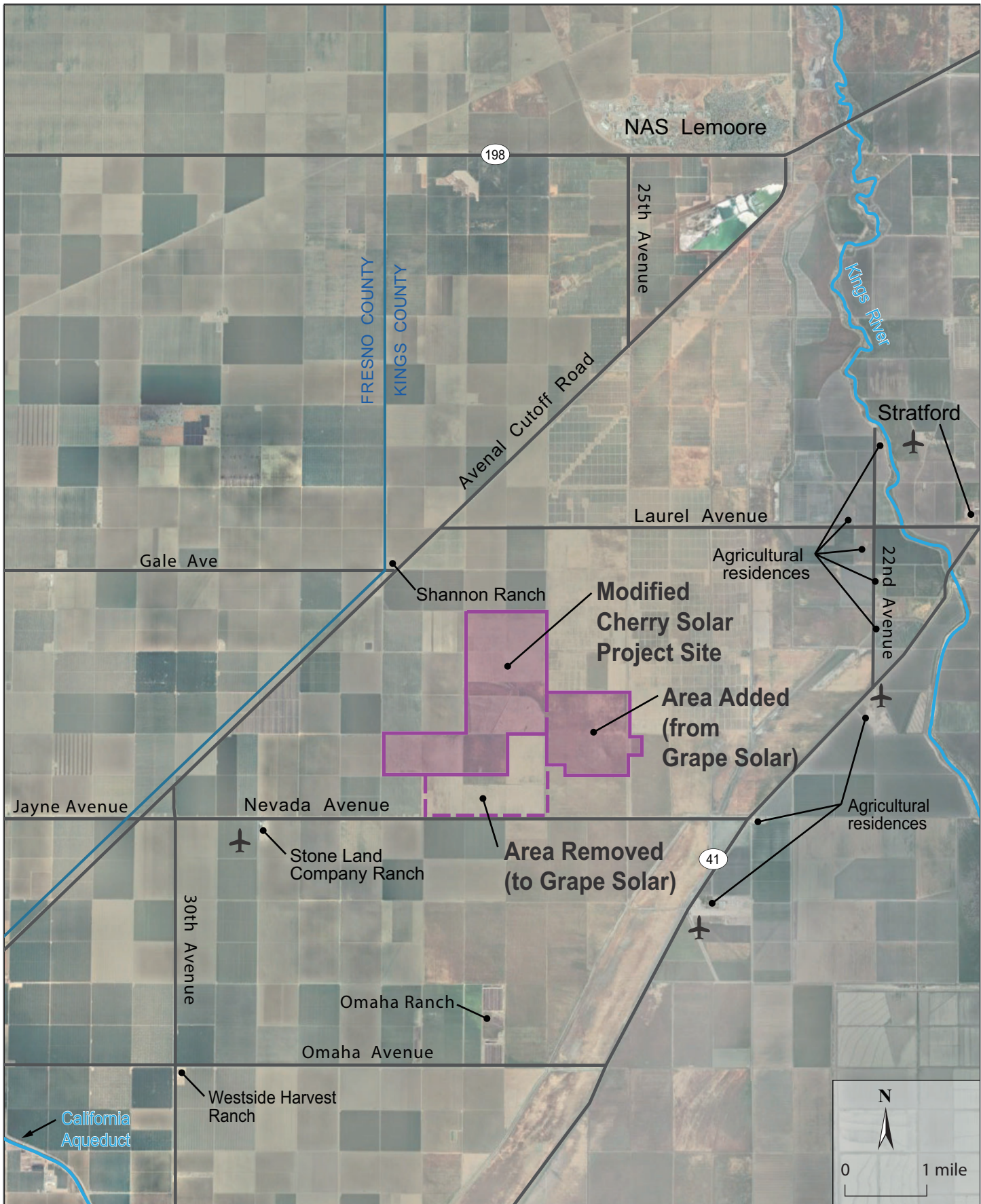
1.2. CEQA AUTHORITY FOR MND ADDENDUM

An Addendum is appropriate under Section 15164 of the State CEQA Guidelines where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration. The Kings County CDA has determined that the an MND Addendum is the appropriate form of CEQA documentation because the proposed project modifications and changes in project circumstances would not result in any new significant or substantially more severe impacts than were identified in the 2022 MND.



Source: Kings County Community Development Agency

Regional Location
Figure PD-1



Source: Google Earth, 2024

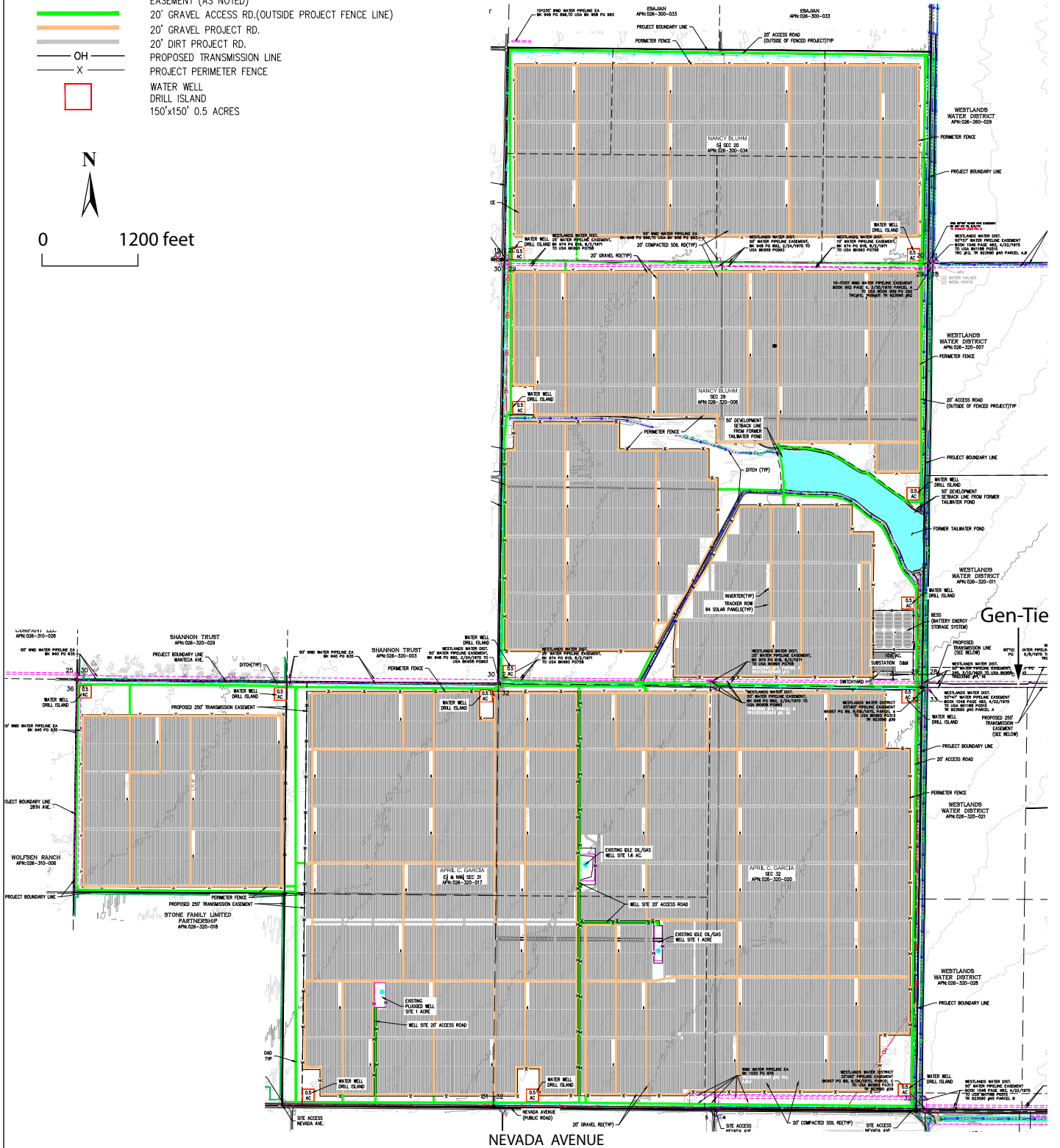
Project Vicinity
Figure PD-2

LEGEND

- PROJECT BOUNDARY
- EASEMENT (AS NOTED)
- 20' GRAVEL ACCESS RD.(OUTSIDE PROJECT FENCE LINE)
- 20' GRAVEL PROJECT RD.
- 20' DIRT PROJECT RD.
- PROPOSED TRANSMISSION LINE
- PROJECT PERIMETER FENCE
- WATER WELL
- DRILL ISLAND
- 150'x150' 0.5 ACRES



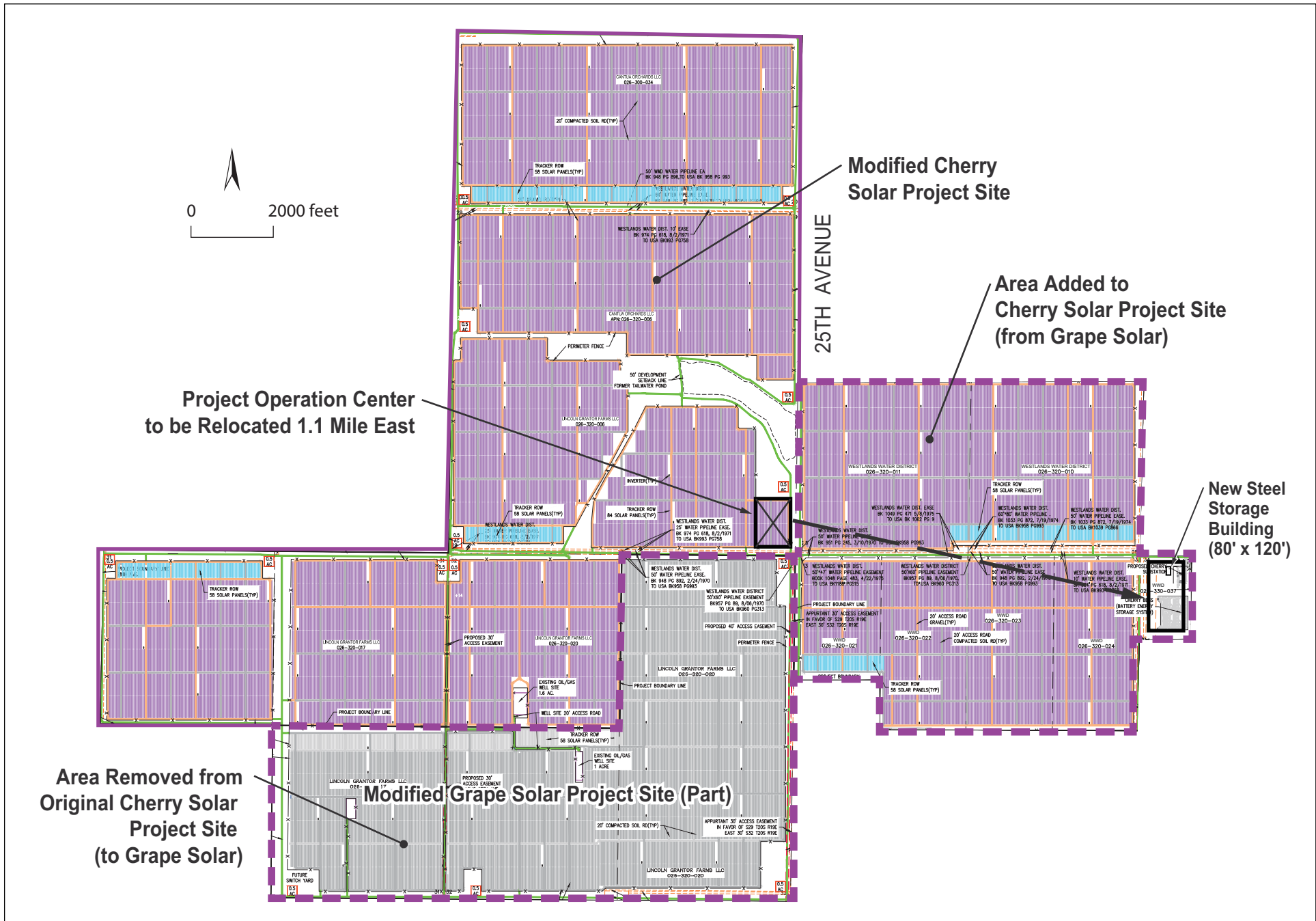
0 1200 feet



Gen-Tie

Source: DK Engineering

**Approved Site Plan
Figure PD-3**



Source: DK Engineering

**Modified Site Plan
Figure PD-4**

1.3. APPROACH TO CEQA REVIEW

This Addendum is intended to provide CEQA review for the modified Cherry Solar Project, which includes changes to the previously approved CUP. This Addendum is organized with reference to the environmental topic areas in CEQA Guidelines Appendix G, which are evaluated to determine if any changed conditions associated with the proposed CUP modifications may result in a different environmental impact significance conclusion from the 2022 MND.

1.4. PREVIOUS ENVIRONMENTAL DOCUMENTS

The following CEQA documents are directly applicable to the consideration of the modified Westside Solar Project CUP:

- *Initial Study/Mitigated Negative Declaration, Cherry Solar Project and Gen-Tie Line, September 2022.* SCH No. 2022090283. Adopted by Kings County Planning Commission, November 7, 2022.
- *Program EIR for the Westlands Solar Park Master Plan and Gen-Tie Corridors Plan, Volumes I-II, October 2017.* SCH No. 2013031043. Certified by Westlands Water District Board of Directors, January 16, 2018.

The Cherry Solar Project is located within the Westlands Solar Park (WSP), a master planned solar complex covering approximately 20,938 acres in west-central Kings County. The WSP Master Plan and Gen-Tie Corridors Plan was prepared by the Westlands Water District (WWD) to provide policy guidance for the reuse of retired farmlands owned by WWD, which comprise approximately half of the Master Plan area. In compliance with State CEQA Guidelines Section 15168, the WWD prepared a Program EIR (PEIR) which addressed the potential environmental impacts associated with future solar development under the WSP Master Plan and Gen-Tie Corridors Plan. On January 16, 2018, the WWD Board of Directors certified the PEIR under CEQA and approved the WSP Master Plan and Gen-Tie Corridors Plan as a WWD policy document.

The PEIR on the WSP Master Plan and Gen-Tie Corridors Plan (hereafter “WSP Master Plan PEIR”) was prepared in close coordination with the staff of the Kings County Community Development Agency (CDA), in recognition of the County’s role as a responsible agency for the approval of Conditional Use Permits (CUPs) for individual solar generating facilities (SGFs) to be developed within the WSP Master Plan area. This approach was intended by both WWD and Kings County CDA to provide for the tiering of subsequent MNDs from the PEIR, as provided under CEQA Guidelines Section 15168 (see “Tiering under CEQA” below for further discussion). The Draft PEIR incorporated all revisions requested by the Kings County CDA with the express purpose of making the PEIR consistent with County policies and practices, and thus facilitating the ability of the Kings County Planning Commission to adopt subsequent MNDs that would be tiered from the certified PEIR. This would also enable the certified PEIR to be incorporated by reference into the subsequent MNDs prepared by Kings County (per CEQA Guidelines Section 15150), and would enable the Planning Commission’s consideration of the contents of the certified PEIR when adopting the subsequent MNDs for solar projects proposed within the WSP Master Plan area. Since 2018, the tiering of subsequent MNDs from the PEIR has been employed in connection with several CUP approvals for WSP solar projects including Aquamarine Solar, Solar Blue, Chestnut Solar, Grape Solar, and the subject Cherry Solar Project. Similarly, this MND Addendum incorporates by reference certain information and evaluation contained in the PEIR that is applicable to the Cherry Solar Project and the proposed modifications to the project CUP, pursuant to CEQA Guidelines Section 15150.

2. PROJECT DESCRIPTION

2.1. OVERVIEW OF APPROVED PROJECT CUP

The approved CUP for the Cherry Solar Project included a 250-MW solar PV generating facility, and an electrical substation, a 250-MW battery storage facility, and an Operations and Maintenance (O&M) facility on a 2,079-acre site generally located on the north side of Nevada Avenue approximately 2.5 miles west of State Route 41 (see Figures PD-1 and PD-2).

The solar generation from the Cherry Solar Project is planned to be conveyed to the State’s electrical grid via an approximately 15-mile long gen-tie line extending west to the Gates Substation on Jayne Avenue in Fresno County. The 8.7-mile long Kings County segment of the gen-tie line was previously approved by the Kings County Planning Commission as part of the Aquamarine Solar Project and Gen-Tie Line (CUP 17-04). This gen-tie line is intended to serve the Cherry Solar Project as well as other solar projects within the Westlands Solar Park Master Plan area.

The 2022 MND on the Cherry Solar Project included a comprehensive description of the planned solar facility including a detailed description of construction methods and inputs as well as a description of operational characteristics.

2.2. PLANNED MODIFICATIONS TO THE CHERRY SOLAR PROJECT CUP

The planned modifications to the Cherry Solar Project CUP are described in detail below.

1. Exchange of Lands with Grape Solar Project

Approved Project

The approved Cherry Solar Project is located on a 2,079.1-acre site located on the north side of Nevada Avenue between 25th and 28th Avenues. The approved Cherry Solar Project includes the Assessor’s Parcels listed in Table 1 on the next page (see also Figure PD-3).

Planned Project Modification

The approved project CUP is planned to be modified to revise the external boundaries of the Cherry Solar Project site by way of an equal exchange of acreage with approved Grape Solar Project adjacent to the east. This would involve the transfer of 640 acres from the Grape Solar Project to the Cherry Solar Project, and the transfer of 640 acres from the Cherry Solar Project to the Grape Solar Project (see Figure PD-4). The total gross area of the Cherry Solar Project would remain exactly the same as the approved CUP acreage, at 2,079.1 acres.

Table 1

Cherry Solar – CUP Modification – Revised APNs and Acreage Breakdown

[CUP No. 22-05 – Approved November 7, 2022]

APN	Approved Cherry CUP Acreage	Acres Exchanged with Grape Solar		Modified Cherry CUP Acreage
		To Grape	From Grape	
026-300-034	320	--	--	320
026-320-006	640	--	--	640
-010	0	--	+160	160
-011	0	--	+160	160
-017	479.1	-160	--	319.1
-020	640	-480	--	160
-021	0	--	+57	57
-022	0	--	+80	80
-023	0	--	+80	80
-024	0	--	+80	80
026-330-037	0	--	+23	23
Totals	2,079.1	-640	+640	2,079.1

2. Planned Change in Location of the Project Operations Center***Approved Project***

On the approved CUP site plan for the Cherry Solar Project, the project operations center (consisting of the project substation, O&M facility, and a 250-MW battery storage facility) is planned to be located on an approximately 10-acre site adjacent to the eastern site boundary, approximately 1.0 mile north of Nevada Avenue (see Figure PD-3).

Planned Project Modification

The approved project is planned to be modified to relocate the project operations center to a site located approximately 1.1 mile east at the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment (see Figure PD-4). No changes to the size or composition of the operations center are proposed. Under the modified plan, the previously approved site of the operations center would be utilized for solar arrays which would be equal to the area of solar arrays previously planned for the new planned location of the operations center. As such, there would be no change in the size of the solar collection fields or in any of the construction details related to the solar collection fields.

3. Planned Addition of Steel Storage Building***Approved Project***

On the approved CUP site plan for the Cherry Solar Project, the O&M facility does not include any storage buildings.

Planned Project Modification

The approved project is planned to be modified to include a steel building for the storage of spare parts. The steel storage building would be located in an open area of the O&M yard and would have a floor area of approximately 9,600 square feet, with dimensions of approximately 120 feet by 80 feet.

All other aspects of the modified project, such as construction and operational details, have not changed from the descriptions contained in the 2022 IS/MND. (See IS/MND Section 1.2. *Project Description* for a detailed description of project construction, operation, and decommissioning).

2.3. CHANGES IN PROJECT CIRCUMSTANCES

1. Changes to Project Setting

Project Setting in 2022

The approved project site consists of 2,079 acres of agricultural fields with no buildings or structures. Within the eastern site boundary there is 30-acre area occupied by a former tailwater basin which historically received irrigation return flows but has been dry for the past several years with the advent of drip irrigation which eliminated such return flows. Several former agricultural irrigation canals and ditches run alongside and within the project site, but these are no longer used and are also dry. Historically, the project site has been used for the cultivation of crops such as tomatoes, cotton, and wheat; and in recent years has been cultivated for winter wheat and left fallow during the dry season. The project site includes several wells and irrigation pump stations, filter stations, tanks, and standpipes in various locations; three WWD water transmission pipelines, and three former oil/gas wells; a 12-kV electric distribution line along the Nevada Avenue frontage; and a 12-kV power line running along the east site boundary from Nevada Avenue north to the former pump station at the former tailwater basin. There are no other structures on the site.

In 2022, all of the lands surrounding the project site (including the 640-acre area proposed to be added to the east side of the project site) consisted of agricultural lands planted in row crops or tree crops, with some fields fallowed seasonally. The structures in the vicinity included the Shannon Ranch complex (including 20 dwellings) located on Avenal Cutoff Road 1.0 mile northwest, and the Stone Land Company Ranch located 1.9 miles west on Nevada Avenue. The 250-MW Aquamarine Solar Project, located just over 1.0 mile north was completed in late 2021. A 230-kV gen-tie line running along the south side of Nevada Avenue opposite the Cherry project site was also completed in 2021,

Project Setting in 2024

No physical changes have taken place on the Cherry Solar Project site, apart from seasonal planting and harvesting of winter wheat, since 2022. Notable changes on adjacent lands include the completion of the 250-MW Solar Blue Project to the north and the 150-MW Castanea (formerly Chestnut) Solar Project to the northeast in 2023. No other substantial changes to surrounding lands have occurred since 2022.

2. New Information of Substantial Importance

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, the Addendum should address the project modifications in the context of new information which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete. In the relatively brief period since the MND was adopted in November 2022, no information of substantial importance related to the project's physical or regulatory context has emerged or been discovered,

apart from the changes in the project setting described above. It is noted that since 2022 several new solar projects have been proposed in Kings County, which expands the list of pending, approved, and completed projects to be considered in the cumulative analysis. Accordingly, the updated cumulative analysis contained in Section 3.2., item 17. *Mandatory Findings of Significance* addresses the effect of these additional cumulative projects.

3. CEQA ANALYSIS

3.1. INTRODUCTION

This Addendum is organized with reference to the environmental topic areas in CEQA Guidelines Appendix G, which are evaluated to determine if any changed conditions associated with the proposed CUP modifications may result in a different environmental impact significance conclusion from the 2022 MND. In particular, the analysis is focused on making determinations as to whether any new or more severe significant environmental impacts may result from the proposed project modifications.

As described in Section 2.2., the proposed project modifications consist of the following elements:

Approved Project

The approved Cherry Solar Project is located on a 2,079.1-acre site located on the north side of Nevada Avenue between 25th and 28th Avenues. The approved Cherry Solar Project includes the Assessor's Parcels listed in Table 1 on the next page (see also Figure PD-3).

Planned Project Modification

- 1) Exchange of Lands with Grape Solar Project: The approved project CUP is planned to be modified to revise the external boundaries of the Cherry Solar Project site by way of an equal exchange of acreage with approved Grape Solar Project adjacent to the east. This would involve the transfer of 640 acres from the Grape Solar Project to the Cherry Solar Project, and the transfer of 640 acres from the Cherry Solar Project to the Grape Solar Project (see Figure PD-4). The total gross area of the Cherry Solar Project would remain exactly the same as the approved CUP acreage, at 2,079.1 acres.
- 2) Change in Planned Change Location of the Project Operations Center (consisting of substation, O&M facility, and battery storage area) to a site located approximately 1.1 miles east at the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment (see Figure PD-4).
- 3) Planned Addition of a Steel Storage Building: The building would be used for storage of spare parts and would be located in an open area of the O&M yard. The steel building and would have a floor area of approximately 9,600 square feet, with dimensions of approximately 120 feet by 80 feet.

3.2. ENVIRONMENTAL EVALUATION

1) Aesthetics

The 2022 MND concluded that the project would not have a significant adverse visual or aesthetic effect and would not create a new source of substantial light or glare. In the modified project, the addition of the 640-acre parcel on the east, the relocated project operations center, and the new steel storage building would be located at least 0.5 mile from the nearest public road (Nevada Avenue) and at least 1.0 mile from the nearest residences (at Shannon Ranch), where the visual, light, and glare effects upon the nearest receptors would be negligible. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* visual and aesthetic impact remains valid and applicable to the modified Cherry Solar Project.

2) Agriculture and Forestry Resources

The 2022 MND concluded that the project's potential impacts to agricultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures AG-1, AG-2, and AG-3 which would ensure concomitant agricultural production on the site for the life of the solar facility. In the modified project, the addition of the 640 acres of agricultural land on the east would be subject to the same Mitigation Measures (those measures were also mitigations for the Grape Solar Project CUP which included the subject 640 acres). The relocation of the project operations center within the approved project footprint of the Grape Solar Project would not increase the potential impact to agricultural resources, which would be fully mitigated in the modified project as required. Neither the approved project nor the modified project would have any impact on forestry resources. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon agriculture and forestry resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

3) Air Quality

The 2022 MND concluded that the project's potential air quality impacts would be reduced to less than significant levels with the incorporation of Mitigation Measures AQ-1 which require the use of clean fleet construction equipment in order to reduce emissions of nitrogen oxides and particulate matter. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in air emissions relative to the approved project. The relocation of the project operations center within the project site would result in no increase in emissions, and the addition of the steel storage building would result in a negligible increase in emissions, relative to the approved project. Therefore, the proposed project modifications would not cause the project emissions to exceed any of the applicable air quality thresholds. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* air quality impact with the incorporation of specified mitigation remains valid and applicable to the modified Cherry Solar Project.

4) Biological Resources

The 2022 MND concluded that the project's potential impacts to biological resources would be reduced to less than significant levels with the incorporation of Mitigation Measures BIO-1 through BIO-5 which would ensure that no special status species or other protected biological resources would be adversely affected by the project. The 640-acre area to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for biological resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon biological resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

5) Cultural Resources

The 2022 MND concluded that the project's potential impacts to cultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures CR-1 and CR-2 which would ensure that any previously undiscovered cultural resources or buried human remains would not be adversely affected by the project. The 640-acre area to be added to the Cherry Solar Project site from the approved Grape Solar Project site is subject to the same site conditions and would be required to implement the same mitigation measures for cultural resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the

conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

6) **Energy**

The 2022 MND concluded that the project would not result in wasteful, inefficient, or unnecessary consumption of energy, and that the project would not conflict with or obstruct any plans for renewable energy or energy efficiency, and therefore would have a less-than-significant impact upon energy resources. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in energy consumption relative to the approved project. The relocation of the project operations center within the project site would result in no increase in energy consumption, and the addition of the steel storage building would result in a negligible increase in energy consumption, relative to the approved project. Therefore, the energy consumed by the modified project would not constitute a wasteful, inefficient, or unnecessary use of energy. In addition, since the project is a solar PV generating facility, it would produce electricity far more efficiently than a fossil-fueled power plant with the same generating capacity. As such, the project would help implement state and local plans for renewable energy. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* energy impact remains valid and applicable to the modified Cherry Solar Project.

7) **Geology and Soils**

Geologic and Soils Hazards

The 2022 MND concluded that the project's potential geology and soils impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure GEO-1 which would ensure that the expansive soils present within the project site would be subject to corrective measures to mitigate potential damage to project structures. The 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for geologic and soil hazards, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact with respect to geologic and soils hazards with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

Paleontological Resources

The 2022 MND concluded that the project's potential impacts to paleontological resources would be reduced to less than significant levels with the incorporation of Mitigation Measure CR-2 which would ensure that any previously undiscovered fossiliferous materials would not be adversely affected by the project. The 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for paleontological resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact with respect to paleontological resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

8) Greenhouse Gas Emissions

The 2022 MND concluded that the greenhouse gas emissions generated by the project would have a less-than-significant effect on the environment. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in GHG emissions relative to the approved project. The relocation of the project operations center within the project site would result in no increase in GHG emissions, and the addition of the steel storage building would result in a negligible increase in GHG emissions, relative to the approved project. In addition, since the project is a solar PV generating facility, it would result in far less GHG emissions than a fossil-fuel powered plant with the same generating capacity. As such, the project would help implement plans and policies aimed at reducing greenhouse gas emissions. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact in terms of greenhouse gas emissions remains valid and applicable to the modified Cherry Solar Project.

9) Hazards and Hazardous Materials

The 2022 MND concluded that the project's potential hazards and hazardous materials impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure HAZ-1 which would ensure the implementation of a Hazardous Materials Business Plan (HMBP) which would provide for the safe storage, handling, and disposal of hazardous materials within the project. The 2022 MND concluded that the project's potential exposure to valley fever would be reduced to less than significant levels with the incorporation of Mitigation Measure HAZ-2 which would ensure the implementation of a Dust Control Plan, and the distribution of respiratory protection to workers, which would reduce the potential for exposure to valley fever spores at the project site. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not increase the potential hazards and hazardous materials impacts or the potential exposure to valley fever, both of which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* hazards and hazardous materials impact and a *less-than-significant* in terms of exposure to valley fever with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

10) Hydrology and Water Quality

The 2022 MND concluded that the project's potential hydrology and water quality impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure HYD-1 which would ensure that the implementation of a Storm Water Pollution Prevention Plan (SWPPP) which would require the application of specified Best Management Practices to prevent erosion and sedimentation during grading and construction for the project. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not increase the potential hydrology and water quality impacts, which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* hydrology and water quality impact with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

11) Land Use and Planning

The 2022 MND concluded that the project would have no impact in terms of land use and planning. In the modified project, the 640-acre area to be added to the Cherry Solar Project site from the approved Grape Solar Project site is subject to the same site conditions and would not fundamentally alter the land uses or the overall land use configuration planned for the project, and thus no new land use and planning impact would result. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of land use and planning remains valid and applicable to the modified Cherry Solar Project.

12) Mineral Resources

The 2022 MND concluded that the project would have no impact in terms of potential loss of important mineral resources. In the modified project, the 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would not raise the potential for new impacts to mineral resources on lands which were not previously evaluated. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of potential loss of important mineral resources remains valid and applicable to the modified Cherry Solar Project.

13) Noise*Construction Noise*

The 2022 MND concluded that the construction activity on the project site would not have a significant noise impact at the nearest residential locations. In the modified project, the reconfigured site would be located at least 0.5 mile from the nearest public road (Nevada Avenue) and at least 1.0 mile from the nearest residences (at Shannon Ranch), where the construction noise would be barely audible above ambient noise levels. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact due to construction noise remains valid and applicable to the modified Solar Blue Project.

Construction Traffic Noise

The 2022 MND concluded that the noise generated by project traffic during the peak construction period would have a less-than-significant noise impact at the most affected residential receptors along the travel routes to the project site. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact due to construction traffic noise remains valid and applicable to the modified Cherry Solar Project.

Operational Noise

The 2022 MND concluded that the noise generated during project operation would have a less-than-significant noise impact at the most affected residential receptors. The source of the highest noise levels would be the HVAC systems associated with the battery energy storage system (BESS) located in the project operations center. In the approved Cherry Solar Project, the BESS is located 2.5 miles from the nearest residences at the Shannon Ranch, where the noise level from the BESS would be 47 dBA L_{max}/L_{eq} which would be well below the County's 75 dBA L_{max} and 55 dBA L_{eq} noise limits for residential uses. In the modified project, the relocated project operations center and BESS would be located at

least 1.7 miles from the nearest residential receptor to the southeast at the southeast corner of Nevada Avenue and SR-41. The noise level at the nearest residence would be 49 dBA L_{max}/L_{eq} which would also be well below the County's noise limits for residential uses. All other noise sources from project operation would result in lower than 49 dBA at the nearest residences. Therefore, the planned change in location of the operations center within the project site would result in a negligible difference in noise levels at the nearest receptors compared with approved Cherry Solar Project. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact due to operational noise remains valid and applicable to the modified Cherry Solar Project.

14) Population and Housing

Population Inducement

The 2022 MND concluded that the project would have no impact in terms of inducement of unplanned population. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project and the planned change in location of the operations center would require no additional construction workers beyond those reported in the 2022 MND, and the addition of the steel storage building would result in negligible additional construction workers, if any. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of population inducement remains valid and applicable to the modified Cherry Solar Project.

Housing Displacement

The 2022 MND concluded that the project would have no impact with regard to displacement of existing people or housing. In the modified project, the 640-acre area to be added to the site on the east contains no dwellings. Since there are no dwellings within 1.0 mile of the modified project site, the project would not result in displacement of people or housing. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* with regard to displacement of existing people or housing remains valid and applicable to the modified Cherry Solar Project.

15) Public Services

The 2022 MND concluded that the project would have no impact in terms of necessitating new or expanded facilities for public services such as police and fire protection, schools, and other services. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no change in demand for public services relative to the approved project. The relocation of the project operations center within the project site and the addition of the steel storage building would likewise result in no change in demand for public services. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of necessitating new or expanded facilities for public services remains valid and applicable to the modified Cherry Solar Project.

16) Recreation

The 2022 MND concluded that the project would have no impact due to increased use and deterioration of existing recreational facilities, or due to the construction of new recreational facilities. The modified project would not require additional construction workers or operational staff and thus would not increase demand for recreation in the area. In addition, the modified project would not include or require the construction of any recreational facilities. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* with respect to recreational facilities remains valid and applicable to the modified Cherry Solar Project.

17) Transportation*Level of Service Policies*

With respect to the applicable Level of Service policies, the 2022 MND concluded that project construction traffic would have a less-than-significant impact in terms of exceeding roadway capacity on the affected travel routes, and thus would not result in unacceptable service levels during the construction period. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the conclusion of the 2022 MND that the traffic generated during project construction would result in a *less-than-significant impact* in terms of conflicts with Level of Service policies is still valid and applicable to the modified Cherry Solar Project.

Vehicle Miles Traveled

The 2022 MND concluded that the Cherry Solar Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b), which relates to Vehicle Miles Traveled (VMT), and therefore the project impact under this criterion would be less than significant. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. The very small temporary increment in Kings County VMT resulting from the addition of the steel storage building would not be substantial, and would not alter the conclusion that the VMT impacts from the project as a whole would be less than significant. Therefore, the conclusion of the 2022 MND that the project construction VMT would result in a *less-than-significant impact*, and therefore the project would not conflict with CEQA Guidelines Section 15064.3(b), is still valid and applicable to the modified Cherry Solar project.

Traffic Safety

The 2022 MND concluded that the project's potential traffic safety impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure TR-1 which would ensure the preparation and implementation of traffic control plans to provide for traffic safety on public roadways affected by project construction. As discussed above, the modified project would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the modified project would not increase the potential traffic safety impacts, which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* traffic safety impact with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

18) Tribal Cultural Resources

The 2022 MND concluded that the project's potential impacts to tribal cultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures CR-1 and CR-2 which would ensure that any previously undiscovered cultural resources or buried human remains would not be adversely affected by the project. In the modified project, the 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site

conditions and would be required to implement the same mitigation measures for tribal cultural resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon tribal cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

19) Utilities and Service Systems

The 2022 MND concluded that the project would have less-than-significant impacts with respect to public utilities and service systems such as water supply, wastewater treatment, solid waste disposal, and other utilities. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no change in demand for utilities and service systems relative to the approved project. The relocation of the project operations center within the project site and the addition of the steel storage building would likewise result in no change in demand for utilities and service systems. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact on utilities and service systems remains valid and applicable to the modified Cherry Solar Project.

20) Wildfire

The 2022 MND concluded that since the project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity hazard, the project impact with regard to wildfire would be less than significant. In the modified project, the 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same low potential for wildfire conditions, and the modified project would not introduce new project elements that could increase the potential wildfire risk. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact with regard to wildfire remains valid and applicable to the modified Cherry Solar Project. .

21) Mandatory Findings of Significance

Potential to Substantially Reduce Wildlife Species or Habitat, or Eliminate Important Cultural Resources

The 2022 MND concluded that the project's potential impacts to biological and cultural resources would be reduced to less-than-significant levels with the implementation of mitigation measures identified in the MND. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not raise the potential for new impacts related to biological and cultural resources which were not previously evaluated, and any impacts to those resources would be fully mitigated by measures identified in the MND. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon biological and cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

Cumulative Impacts

The 2022 MND evaluated the potential cumulative effects of all pending, approved, and completed projects in terms of all environmental topics in the CEQA Guidelines Appendix G Checklist. For each topic, the MND concluded that the cumulative impact was not significant or the project contribution to a cumulative impact was not cumulatively considerable, either without mitigation or with mitigation incorporated into the project. The 2022 MND considered the cumulative effects of the projects that were known in July 2022. Since then, the County's list of cumulative projects has grown

to include four new solar and battery projects representing an additional 408 MW of generation/storage (a 19 percent increase over 2022), on 2,167 additional acres (a 12 percent increase). In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not result in an appreciable increase the level of project-specific impacts in any environmental category, as discussed in detail in the foregoing analysis. Further, the negligible increase in potential impacts resulting from the project modifications would not rise to the level of being cumulatively considerable. (It is noted that in order for a project's impacts to be found to be cumulatively significant under CEQA, the project contribution to a cumulative impact must be found to be cumulatively considerable.) As such, the modified project would not result in a new significant cumulative impact or substantially increase the severity of a cumulative impact beyond that reported in the 2022 MND. Therefore, the conclusion of the 2022 MND that the cumulative impacts associated with the Cherry Solar Project would be *less-than-significant* impact remains valid and applicable to the modified Cherry Solar Project.

Substantial Adverse Effects on Human Beings

The 2022 MND concluded that the project's potential adverse effects on human beings would be reduced to less than significant levels with the incorporation of a several mitigation measures identified in the MND, or as otherwise required by existing laws and regulations, which would protect the health and safety of individuals. In the modified project, In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not raise new health and safety concerns, which in any case would be adequately addressed through implementation of previously identified mitigations and regulatory requirements. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would not have the potential to result in significant effects which would cause substantial adverse effects on human beings, either directly or indirectly, remains valid and applicable to the modified Cherry Solar Project.

APPENDIX A

Mitigation Monitoring and Reporting Program (MMRP)

July 2022 (Revised October 2022)

(Unchanged for June 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

CHERRY SOLAR PROJECT CUP 22-05

COUNTY OF KINGS, CALIFORNIA

JULY 2022 (REVISED OCTOBER 2022)
(UNCHANGED FOR JUNE 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<p>Mitigation Measure AG-1: Agricultural Management Plan. Prior to the issuance of a building permit, the applicant shall submit to Kings County an Agricultural Management Plan (AMP) that provides for the ongoing agricultural productivity of the entire project site for the life of the project. The AMP shall specify that at least 90 percent of this area of the site shall be vegetated with grasses and forbs and shall be managed for dry farm seasonal sheep grazing. The AMP shall include specific provisions for soil preparation and revegetation including specifications for a seed mix which is appropriate to the soil and climatic conditions in the absence of irrigation, methods of avoiding invasive species, and a list of acceptable vegetation that meets the dietary needs of sheep. The AMP shall include detailed provisions to ensure the successful establishment of the planned vegetative cover, and shall identify appropriate maintenance activities, including conditions under which herbicides may be used, and particularly the identification and selection of herbicides that are non-toxic to livestock and wildlife. The AMP shall also prescribe the management practices for sheep grazing. The AMP shall include provisions for ongoing monitoring and annual reporting of agricultural activity on the site to the Kings County Community Development Agency. The AMP shall also comply with the requirements of the Kings County Development Code related to weed abatement and pest control.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit AMP to Kings County CDA.</p> <p><u>During Project Operation:</u> Implement AMP as approved by Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County Community Development Agency (CDA).</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that AMP is complete and in compliance with County requirements.</p> <p><u>During Project Operation:</u> Conduct field inspections to verify implementation of AMP as approved.</p>	
<p>Mitigation Measure AG-2: Soil Reclamation Plan. Prior to the issuance of a building permit, the applicant shall submit, for review and approval by the Kings County Community Development Agency, a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life. The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate its pre-project condition, including: (1) removal of all above-ground and below-ground project fixtures, equipment, and non-agricultural driveways; (2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; (3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and (4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff. Additional seedlings and applications of weed-free mulch shall be applied to areas of the project site that have been determined to be unsuccessfully reclaimed (i.e., restored to pre-project conditions) until the entire project area has been restored to conditions equivalent to pre-construction conditions.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit Soil Reclamation Plan to Kings County CDA.</p> <p><u>During Project Decommissioning:</u> Implement Soil Reclamation Plan as approved by Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that Soil Reclamation Plan is complete and in compliance with County requirements.</p> <p><u>During Project Decommissioning:</u> Conduct field inspections to verify implementation Soil Reclamation Plan as approved.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<i>(Continued)</i>			
All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.			
<p><u>Mitigation Measure AG-3: Financial Assurance.</u> Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer’s Cost Estimate, approved by the Kings County Community Development Agency, to ensure completion of the activities under the Soil Reclamation Plan. Every 5 years from the date of completion of construction of the project, the applicant shall submit an updated Engineer’s Cost Estimate for financial assurances for the Plan, which will be reviewed every 5 years by the Kings County Community Development Agency to determine if amount of the assurances is sufficient to implement the Plan. The amount of the assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Submit financial assurance to Kings County CDA.</p> <p><u>Every Five Years:</u> Prepare and submit revised Engineer’s Cost Estimate, and submit adjusted financial assurance to Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that acceptable financial assurance has been provided.</p> <p><u>Every Five Years:</u> Verify completion of revised Engineer’s Cost Estimate and confirm adjustment of the amount of assurance.</p>	
4.3. AIR QUALITY			
<p><u>Mitigation Measure AQ-1: Control of Construction Emissions.</u> During project grading and construction, utilize mobile off-road diesel construction equipment that meets US EPA Tier 4 interim or Tier 4 final engine standards for emissions of NOx to the extent feasible.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Project Construction:</u> Utilize Tier 3 or Tier 4 equipment to the extent practicable.</p> <p>Maintain daily records of equipment use, including daily hours of Tier 3 and Tier 4 equipment use, by equipment type.</p>	<p><u>Monitoring Agency:</u> Kings County Public Works Department.</p> <p><u>Actions:</u></p> <p><u>During Project Construction:</u> Conduct field inspections to verify utilization of Tier 3 or Tier 4 equipment.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: San Joaquin Kit Fox Protection. In order to minimize the potential for impacts to San Joaquin kit fox, the following measures shall be implemented in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys shall be conducted in accordance with the “U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance” (USFWS 2011). The survey areas are to include the project site plus an additional 500-foot buffer on adjacent off-site lands as access allows. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>b. <u>Kit Fox Avoidance Measures.</u> Should San Joaquin kit fox or a potential den be found using the Cherry Solar Project site during preconstruction surveys, the construction activity shall avoid the habitat occupied by kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. If USFWS cannot be contacted, the following minimum distances must be adhered to:</p> <p style="margin-left: 40px;">Potential den: 50 Feet Atypical den: 50 feet Known den: 100 feet Natal/pupping den (occupied and unoccupied): Service must be contacted</p> <p>Additionally, placement of 4-5 flagged stakes 50 feet from the entrance of potential and atypical dens shall be placed to identify the den location and the exclusion zone must be observed.</p> <p>c. <u>Employee Education Program.</u> Prior to the start of construction, the applicant shall retain a qualified biologist to conduct an on-site training session to educate all construction staff on the San Joaquin kit fox. This training shall include a description of the San Joaquin kit fox, a brief summary of their biology; and a list of minimization measures and instructions on what to do if a San Joaquin kit fox is observed within the Cherry Solar Project site. (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor/ Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If kit fox found on or near site, undertake avoidance measures and notify USFWS and CDFW; 3) Direct qualified biologist to conduct employee education program.</p> <p>(Continued)</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that avoidance measures have been implemented if kit fox found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p>(Continued)</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>d. <u>Minimization of Potential Disturbance to Kit Fox.</u> Whether or not kit foxes are found to be present, all permanent and temporary construction activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. The full list of protection measures required by the USFWS during construction and operation contained in USFWS Standardized Recommendations (USFWS 2011), and is presented in Table BIO-1, shall be implemented for the Project. The protection measures set forth in Table BIO-1 are fully incorporated into this mitigation measure by reference.</p> <p>e. <u>Mortality Reporting.</u> The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p> <p>f. <u>Wildlife-friendly Fencing.</u> The perimeter fencing surrounding each phase of the Cherry Solar Project shall consist of wildlife-friendly or permeable fencing that allows San Joaquin kit fox and other wildlife to move through the site unimpeded. The bottom of the perimeter fencing shall be 5 to 7 inches above the ground, as measured from the top of the ground to the lowest point of the fence. The bottom of the fence edges shall be knuckled (wrapped back to form a smooth edge) to allow wildlife to pass through safely. The fencing shall not be electrified.</p>	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Install wildlife-friendly fencing; 2) Implement disturbance minimization measures, as specified; 3) Report any kit fox mortalities as specified. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Report any kit fox mortalities as specified. 	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Conduct field inspections to verify installation of wildlife friendly fencing; 2) Conduct field inspections to confirm disturbance minimization measures have been implemented; 3) Verify that any kit fox mortalities have been reported as required. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Verify that any kit fox mortalities have been reported as required. 	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Table BIO-1

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS

(Continued on next page.)

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Table BIO-1 (Cont'd)

**U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE
CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, California Department of Fish and Wildlife (CDFW), and revegetation experts.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. The USFWS should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<p><u>Mitigation Measure BIO-2: Protection for Nesting Raptors and Migratory Birds.</u> In order to minimize construction disturbance to active raptor and other migratory bird nests, the following measures shall be implemented in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> If tree removal, site preparation, grading, or construction is planned to occur within the breeding season (February 1 - August 31), a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 10 days of the onset of these activities. If construction activity is planned to commence outside the breeding period, no pre-construction surveys are required for nesting birds and raptors.</p> <p>b. <u>Monitoring Active Nests.</u> Should any active nests be discovered in or near planned construction zones, a qualified biologist shall continuously monitor identified nests for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, stop the work causing that change and consult with the California Department of Fish and Wildlife for additional avoidance and minimization measures.</p> <p>c. <u>Exclusion Zones for Active Nests.</u> Alternatively, should any active nests be discovered in or near the planned construction zones, the biologist shall establish a 250-foot construction-free buffer around the nest for non-listed birds, 500-foot buffer for unlisted raptors, and a half-mile for listed bird species. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged. Variance from these setback distances may be allowed if a qualified biologist provides compelling biological or ecological reason to do so and if CDFW is notified in advance of implementation of a no disturbance buffer variance.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction and operations workers on the Cherry Solar Project shall be trained by a qualified biologist. The tailgate training shall include a description of the Migratory Bird Treaty Act, instructions on what to do if an active nest is located, and the importance of capping pipes and pipe-like structures standing upright in order to avoid birds falling into the pipes and getting stuck.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to monitor nest(s) and notify CDFW, as needed; <u>OR</u> 3) Authorize biologist to establish exclusion zone around nest(s), as needed; 4) Direct qualified biologist to conduct employee education program.</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that nest protection measures have been implemented if nest(s) found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>e. <u>Capping of Hollow Poles and Posts.</u> Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow tubes or poles be utilized on the Cherry Solar Project site, the poles shall be capped immediately after installation to prevent entrapment of birds.</p>	<p><u>During Construction:</u> 1) Ensure that all hollow poles and posts are capped.</p>	<p><u>During Construction:</u> 1) Conduct field inspection to confirm capping of poles and posts.</p>	
<p>Mitigation Measure BIO-3: Burrowing Owl Protection. In order to minimize the potential for impacts to burrowing owls, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-Construction Surveys.</u> Pre-construction surveys shall be conducted by a qualified biologist no more than 14 days prior to the onset of ground-disturbing activity. Pre-construction surveys shall be repeated if construction halts for more than 14 days. These surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012) or the most recent CDFW guidelines. The surveys shall cover all areas of suitable habitat within the planned construction zones.</p> <p>b. <u>Avoidance of Active Nests during Breeding Season.</u> If pre-construction surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer of 150 to 250 feet shall be established around all active owl nests. The specific dimensions of the exclusion zone in each case shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. The buffer zones shall be enclosed with temporary fencing, and construction equipment and workers shall not be allowed to enter the enclosed setback areas. These buffer zones shall remain in place for the duration of the breeding season. After the breeding season (i.e., once all the young have left the nest), passive relocation of any remaining owls may take place, but only under the conditions described below.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>c. <u>Avoidance of Occupied Burrows during Non-Breeding Season, and Passive Relocation of Resident Owls.</u> During the non-breeding season (September through January), any burrows occupied by resident owls in areas planned for construction shall be protected by a construction-free buffer with a radius of 150 feet around each active burrow. Passive relocation of resident owls is not recommended by CDFW where it can be avoided. If passive relocation is not avoidable, resident owls may be passively relocated according to a relocation plan prepared by a qualified biologist.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a burrowing owl is observed within or near a construction zone.</p>	<p>3) Direct qualified biologist to conduct employee education program; 4) Implement mitigation, as needed, per recommendation of qualified biologist.</p>	<p>3) Verify completion of employee education prior to ground disturbing activities; 4) Verify implementation of any required mitigation.</p>	
<p>Mitigation Measure BIO-4: Swainson's Hawk Protection. In order to minimize the potential for impacts to Swainson's hawks, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-Construction Surveys.</u> During the nesting season prior to the construction on the Cherry Solar Project site, preconstruction surveys shall be conducted within a half-mile of a potential nest tree located on and within a half-mile of the project site to identify any nesting pairs of Swainson's hawks. These surveys will conform to the guidelines of CDFW as presented in <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>, Swainson's Hawk Technical Advisory Committee, May 31, 2000. No preconstruction surveys are required for construction activity located farther than a half-mile from a potential nest tree. (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys;</p> <p>(Continued)</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys;</p> <p>(Continued)</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>b. <u>Establish Buffers</u>. Should any active nests be discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the nest. The biologist would have the authority to extend the buffer zone to ½ mile around the nest, if appropriate depending on site conditions. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged.</p> <p>c. <u>Tailgate Training</u>. All workers on the construction of the project shall attend tailgate training that includes a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a Swainson’s hawk is observed on or near the construction zone.</p>	<p>2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p>3) Direct qualified biologist to conduct employee education program.</p>	<p>2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
<p><u>Mitigation Measure BIO-5: American Badger Mitigation</u>. The following measures shall be implemented to minimize impacts to the American badger, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Preconstruction Surveys for American Badger</u>. During the course of pre-construction surveys prescribed for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, a report shall be written to the applicant so stating and no other mitigations for the protection of badgers would be warranted.</p> <p>b. <u>Avoidance of Active Badger Dens and Monitoring</u>. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that the badger(s) have vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present on-site until it is determined that young are of an independent age and construction activities would not harm individual badgers. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u></p> <p>1) Authorize qualified biologist to conduct preconstruction surveys;</p> <p>2) If active den(s) found on or near site, authorize biologist to establish exclusion zone(s) around den(s), and to monitor den(s) until end of breeding period;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u></p> <p>1) Verify completion of pre-construction surveys;</p> <p>2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>c. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if an American Badger is observed.</p>	<p>3) Direct qualified biologist to conduct employee education program.</p>	<p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
4.5 CULTURAL RESOURCES			
<p><u>Mitigation Measure CR-1: Protection of Cultural Resources.</u> In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Cultural Resources Alert on Project Plans:</u> The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.</p> <p>b. <u>Pre-Construction Briefing:</u> The project proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found.</p> <p>c. <u>Stop Work Near any Discovered Cultural Resources:</u> The project proponent shall retain a professional archaeologist on an “on-call” basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Place Cultural Resources Alert on project plans.</p> <p><u>Prior to Construction:</u> 1) Arrange for Tribe to conduct pre-construction briefing.</p> <p><u>During Construction:</u> 1) If cultural resources discovered, establish 100-foot setback zone and contact archaeologist and Kings County CDA;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Confirm Cultural Resources Alert has been placed on project plans.</p> <p><u>Prior to Construction:</u> 1) Verify Tribe has completed briefing prior to construction.</p> <p><u>During Construction:</u> 1) Coordinate with applicant/contractor and archaeologist to ensure protection of cultural resources;</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>d. <u>Mitigation for Discovered Cultural Resources:</u> If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria’s Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.</p> <p>e. <u>Native American Monitoring:</u> Prior to any ground disturbance, the project proponent shall offer the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during both construction and decommissioning. Tribal participation would be dependent upon the availability and interest of the Tribe.</p> <p>f. <u>Disposition of Cultural Resources:</u> Upon coordination with the Kings County Community Development Agency, any prehistoric archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.</p>	<p>2) Coordinate with Kings County CDA, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Coordinate with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with Kings County CDA and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	<p>2) Coordinate with applicant, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Verify applicant has coordinated with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with applicant and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<p>Mitigation Measure CR-2: Protection of Buried Human Remains. In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Cherry Solar Project:</p> <p>a. Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop within 25 feet of the discovery and the Kings County Coroner shall be notified immediately and the resource shall be protected in compliance with applicable state and federal laws. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD) pursuant to Public Resources Code Section 5097.98. The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p> <p>b. Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, engage project archaeologist and coordinate with Kings County CDA in implementing the legally required actions as specified in the mitigation measure.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, coordinate with applicant and archaeologist to ensure that all legally required actions are implemented.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
<p><u>Mitigation Measure GEO-1: Expansive Soils within Cherry Solar Project Site.</u> Prior to the issuance of the first building permit for the Cherry Solar Project, the applicant shall retain a qualified registered civil engineer to prepare a preliminary soils report, based on soil borings or excavations, to determine the potential for soils expansion and to prepare recommendations for corrective actions to mitigate potential damage to project structures due to potential soils expansion. The preliminary soils report shall be submitted to Kings County Community Development Agency Building Division for review and approval. The potential damage from soils expansion can be reduced by one or more of several alternative engineering measures, as recommended by the registered civil engineer. These measures could include: overexcavation and replacement with non-expansive soils; extending foundations below the zone of shrink and swell; chemically treating the soils with quicklime or cement; or foundation design measures. The corrective measures specified would become conditions of Building Permit approval and would be subject to inspection and approval by the Kings County Building Official.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <ol style="list-style-type: none"> 1) Authorize engineer to prepare soils report; 2) Submit soils report to Kings County CDA for review and approval. <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Implement soils engineering measures recommended in soils report. 	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <ol style="list-style-type: none"> 1) Review and approve soils report as appropriate. <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Conduct field inspections to verify implementation of soils engineering measures. 	
<p><u>Mitigation Measure GEO-2: Protection of Paleontological Resources.</u> In order to avoid the potential for impacts to paleontological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. If paleontological resources are discovered during excavation activities at the project site, work within 100 feet of the find shall cease, and a qualified professional paleontologist shall be retained to evaluate the significance of the resources and make recommendations regarding the treatment, recovery, curation of the resources, as appropriate. Treatment of any significant paleontological resources shall be undertaken with the approval of the Kings County CDA.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) If paleontological resources discovered, establish 100-foot setback zone, retain paleontologist to make recommendations regarding treatment, and notify Kings County CDA; 2) Submit treatment recommendations to Kings County CDA for approval as appropriate; 3) Implement approved treatment measures. 	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) If paleontological resources discovered, verify establishment of 100-foot setback zone pending approval of treatment plan; 2) Review and approve treatment recommendations as appropriate; 3) Verify implementation of treatment measures as approved. 	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS			
<p>Mitigation Measure HAZ-1: Protection from Hazardous Materials. In order to protect the public from potential release of hazardous materials, the following measures shall be implemented during project construction, operation, and decommissioning:</p> <p>a. The project applicant shall prepare and implement a Hazardous Materials Business Plan (HMBP) in accordance with the requirements of, and to the satisfaction of, the Kings County Public Health Department Environmental Services Division;</p> <p>b. The project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Water Resources Control Board, and to the satisfaction of the Central Valley Regional Water Quality Control Board.</p> <p>The potential for minor spills would be largely avoided through implementation of the Hazardous Materials Business Plan (HMBP), as required under the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the Kings County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency (CUPA) for Kings County. The HMBP would include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site, and procedures for handling and disposing of unanticipated hazardous materials encountered during construction. The HMBP would include an inventory of the hazardous waste generated on site, and would specify procedures for proper disposal. As required, hazardous waste would be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by OSHA). Any accidental release of small quantities of hazardous materials would be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the CUPA for Kings County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs. Implementation of the HMBPs for each phase of the Cherry Solar Project would ensure that minor spills or releases of hazardous materials would not pose a significant risk to the public or the environment.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Authorize qualified engineer to prepare SWPPP; and submit to Kings County CDA. 2) File a Notice of Intent (NOI) to State Water Resources Control Board.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>Prior to Project Operation:</u> 1) Prepare HMBP and submit to Kings County Public Health Department.</p> <p><u>During Project Operation:</u> 1) Implement HMBP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Kings County Public Health Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Verify receipt of SWPPP (CDA).</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP (CDA).</p> <p><u>Prior to Project Operation:</u> 1) Verify receipt of HMBP (Public Health).</p> <p><u>During Project Operation:</u> 1) Verify implementation of HMBP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS (CONT'D)			
<p><u>Mitigation Measure HAZ-2: Preventing Valley Fever Exposure.</u> In order to protect the public and workers from Valley Fever, the following measures shall be implemented during project construction and decommissioning:</p> <p>a. Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity.</p> <p>b. Provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication “Preventing Work-Related Coccidioidomycosis (Valley Fever),” available at http://www.cdph.ca.gov/programs/hesis/Documents/CocciFact.pdf</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Prepare Dust Control Plan and submit to SJVAPCD and Kings County CDA for approval.</p> <p><u>During Construction:</u> 1) Implement Dust Control Plan; 2) Provide workers with respirators as recommended.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Review and approve Dust Control Plan.</p> <p><u>During Construction:</u> 1) Verify implementation of Dust Control Plan and distribution of respirators.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.10 HYDROLOGY AND WATER QUALITY			
<p>Mitigation Measure HYD-1: Stormwater Quality Protection. Prior to construction grading and prior to the decommissioning, the applicant shall be required to file a “Notice of Intent” (NOI) with the SWRCB to comply with the General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project phase shall be prepared by a licensed engineer and shall detail the treatment measures and best management practices (BMPs) to control pollutants that shall be implemented and complied with during the construction and post-construction phases of solar development. The SWPPP(s) required for decommissioning shall specify BMPs to be implemented during that final project phase. The construction contracts for each project phase, and for the decommissioning phase, shall include the requirement to implement the BMPs in accordance with the SWPPPs. The SWPPPs will specify such practices as: designation of restricted-entry zones, sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance), truck washdown areas, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, application of mulch for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area. The SWPPPs will also prescribe treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing, and siltation or sediment ponds. Upon completion of each solar phase, the finished grades beneath and around the finished rows of solar panels will be revegetated with a seed mix which has been approved by the Kings County Community Development Agency. The reestablished vegetated cover would stabilize the soils and minimize the potential for post-construction erosion. The construction contracts for each project phase, and for the decommissioning phase, will include the requirement to implement the BMPs in accordance with the SWPPPs, and proper implementation of the specified BMPs is subject to inspection by the Regional Board staff.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) File NOI with SWRCB; 2) Authorize qualified engineer to prepare SWPPP.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>During Operation:</u> 1) Implement post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Implement SWPPP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Public Works Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify filing of NOI. 2) Verify preparation of SWPPP.</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP.</p> <p><u>During Operation:</u> 1) Verify implementation of post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of SWPPP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.17 TRANSPORTATION			
<p><u>Mitigation Measure TR-1: Traffic Safety Measures for Solar Project Construction.</u> As a condition of project approval, and prior to the issuance of encroachment permits, the applicant shall consult with the Kings County Public Works Department regarding construction activities that may affect area traffic (such as equipment and supply delivery necessitating lane closures, trenching, etc.). Additionally, the project plans will be reviewed by the appropriate County departments for conformance with all applicable fire safety code and ordinance requirements for emergency access. The contractor shall implement appropriate traffic controls in accordance with the California Vehicle Code and other state and local requirements to avoid or minimize impacts on traffic.</p> <p>Traffic measures that shall be implemented during construction and decommissioning activities include the following:</p> <ol style="list-style-type: none"> a. Construction traffic shall not block emergency equipment routes. b. Construction activities shall be designed to minimize work in public rights-of-way and use of local streets. As examples, this might include the following: <ol style="list-style-type: none"> i. Identify designated off-street parking areas for construction-related vehicles throughout the construction and decommissioning periods. ii. Identify approved truck routes for the transport of all construction- and decommissioning-related equipment and materials. iii. Limit the employee arrivals and departures, and the delivery of equipment and materials, to non-peak traffic periods (e.g., avoid unnecessary travel from 7 to 9 AM and 4 to 6 PM). iv. Provide for farm worker vehicle access and safe pedestrian and vehicle access. v. Provide advance warning and appropriate signage whenever road closures or detours are necessary. c. Construction shall comply with San Joaquin Valley Air Pollution Control District standards for unpaved roads, which include a requirement to keep vehicle speeds below 15 miles per hour. 	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Consult with Kings County Public Works Department regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p> <p><u>During Decommissioning:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA, Public Works Department, and Fire Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Coordinate with Applicant/Civil/Contractor regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Verify implementation of traffic safety measures.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of traffic safety measures.</p>	

**BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA**

**IN THE MATTER OF MODIFICATION NO. 1)
CONDITIONAL USE PERMIT NO. 22-05)
RE: WESTLANDS CHERRY SOLAR PROJECT)**

RESOLUTION NO. 24-07

**RE: 24924 NEVADA AVE,
KETTLEMAN CITY**

WHEREAS, on June 2, 2022, Westlands Cherry, LLC, filed Conditional Use Permit No. 22-05 to construct, operate, maintain, and decommission the Westlands Cherry Solar Project; and

WHEREAS, the application was determined to be complete on September 6, 2022; and

WHEREAS, approval of a conditional use permit constitutes a “lease, permit, license, certificate, or other entitlement for use”, and is therefore a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.*; and

WHEREAS, as the agency primarily responsible for carrying out or approving said Project, the County of Kings assumes the role of lead agency pursuant to CEQA; and

WHEREAS, on September 16, 2022, the County published a notice of intent to adopt a mitigated negative declaration in *The Hanford Sentinel* and filed said notice with the Kings County Clerk, said notice indicating that the initial study/mitigated negative declaration (“IS/MND”) would be available for public review starting on September 16, 2022, and ending on October 17, 2022, with a hearing of the Kings County Planning Commission to consider said IS/MND to be held on November 7, 2022; and

WHEREAS, on September 16, 2022, the County provided the IS/MND to the State Clearinghouse for distribution to State agencies for their review beginning September 16, 2022, and ending on October 17, 2022; and

WHEREAS, the Community Development Agency of the County of Kings is the custodian of the documents and other materials that constitute the record of the proceedings upon which the Planning Commission’s decision is based, and the Kings County Government Center, Engineering Building No. 6, 1400 W. Lacey Boulevard, Hanford, CA 93230 is the location of this record; and

WHEREAS, on October 20, 2022, the Kings County Community Development Agency recommended that the Mitigated Negative Declaration be approved for the proposal; and

WHEREAS, on October 20, 2022, the Kings County Community Development Agency staff notified the applicant of the proposed recommendation on this project; and

WHEREAS, on November 7, 2022, this Commission held a duly noticed public hearing for Conditional Use Permit No. 22-05 to receive testimony from any interested person in the Board of

Supervisors Chambers of the Kings County Government Center, located at 1400 W. Lacey Blvd., Hanford, California; and

WHEREAS, at the November 7, 2022, public hearing, this Commission received (1) a report presented by County staff that included the staff recommendation, (2) testimony from the applicant, and (3) testimony from members of the general public; and

WHEREAS, on November 7, 2022, after the conclusion of the public testimony, this Commission closed the public hearing and deliberated; and

WHEREAS, on November 7, 2022, this Commission approved Conditional Use Permit No. 22-05 and made the following findings and certifications with regards to CEQA: (1) The Commission reviewed and considered the IS/MND, together with the comments received during the public review and comment period before approving the project; (2) Based on the whole record before it, including the IS/MND and the comments received during the public review period, there was no substantial evidence in the record that the proposed Project will have a significant effect on the environment; (3) The IS/MND for this Project was completed in compliance with CEQA and was determined to be adequate; and (4) The IS/MND reflected this Commission's independent judgement and analysis; and

WHEREAS the IS/MND identified certain significant effects on the environment that, absent adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS this Commission was required pursuant to CEQA to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS this Commission was required by Public Resources Code Section 21081.6 subdivision (a) to adopt a Mitigation Monitoring and Reporting Program ("MMRP") to ensure that the mitigation measures adopted by the County are actually carried out; and

WHEREAS as demonstrated by the MMRP, attached as Attachment "A" to Planning Commission Resolution No. 22-06, all of the Project's significant environmental effects could be either substantially lessened or avoided through the adoption of feasible mitigation measures; and

WHEREAS this Commission determined it appropriate to certify and adopt the IS/MND, to adopt the MMRP, and to approve Conditional Use Permit No. 22-05 subject to findings and conditions of approval contained in Planning Commission Resolution No. 22-06; and

WHEREAS, on May 30, 2024, the Community Development Agency received the application from Westlands Cherry, LLC, for Modification No. 1 to Conditional Use Permit No. 22-05 to: (1) revise the external boundaries of the Westlands Cherry Solar Project by equally exchanging 640 acres with the previously-approved Westlands Grape Solar Project adjacent to the east; (2) revise the location of the project operations area (consisting of the project substation, Operations & Maintenance facility, and battery storage system) to a site located approximately 1.1 miles east; and (3) include an approximately 9,600 square foot steel building for the storage of spare parts in the project operations area; and

WHEREAS the application for Modification No. 1 to Conditional Use Permit No. 22-05 was

determined to be complete on June 27, 2024; and

WHEREAS CEQA Guidelines Section 15164, found in the California Code of Regulations, allows for an addendum to an approved IS/MND be prepared when minor technical changes or additions are necessary and if the project does not meet any of the requirements stated in Section 15162; and

WHEREAS the application for Modification No. 1 to Conditional Use Permit No. 22-05 included Addendum No. 1 to the IS/MND originally approved for Conditional Use Permit No. 22-05; and

WHEREAS the County determined that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent Environmental Impact Report (“EIR”) or Negative Declaration have occurred; and

WHEREAS this Commission has reviewed Addendum No. 1 to the IS/MND in its entirety and determined that the document reflects the independent judgement of the Commission; and

WHEREAS, on August 5, 2024, this Commission held a duly noticed public hearing for Modification No. 1 to Conditional Use Permit No. 22-05 in the Board of Supervisors Chambers of the Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California; and

WHEREAS, on August 5, 2024, after the conclusion of public testimony, this Commission closed the public hearing and deliberated; and

WHEREAS, on August 5, 2024, this Commission adopted Resolution No. 24-07 approving Modification No. 1 to Conditional Use Permit No. 22-05; and

WHEREAS Modification No. 1 to Conditional Use Permit No. 22-05 provides to: (1) revise the external boundaries of the Westlands Cherry Solar Project by equally exchanging 640 acres with the previously-approved Grape Solar Project adjacent to the east; (2) revise the location of the project operations area (consisting of the project substation, Operations & Maintenance facility, and battery storage system) to a site located approximately 1.1 miles east; and (3) include an approximately 9,600 square foot steel building for the storage of spare parts in the project operations area; and

WHEREAS the modified Project would not result in any effects to environmental resources that are more severe than those described in the original IS/MND and all Mitigation Measures and Conditions associated with the original project would be applied to the modified Project; and

WHEREAS as is the case with the approved Project, the modified Project would have a less-than-significant impact on Aesthetics, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire, and a less-than-significant impact with the implementation of the approved mitigation measures identified for Agriculture & Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation, and Tribal Cultural Resources; and

WHEREAS, as required by CEQA Guidelines Section 15162, the County has evaluated circumstances surrounding each of these environmental topics to Addendum No. 1 to the IS/MND on

Modification No. 1 to Conditional Use Permit No. 22-05.

NOW, THEREFORE, BE IT RESOLVED, that this Commission finds that in order to approve this permit, the Commission is required to make the following findings pursuant to Section 1707 of the *Kings County Development Code*:

1. The proposed use is consistent with the *2035 Kings County General Plan*.
2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
5. The design, location, size, and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
6. That no process, equipment, or materials shall be used which are found by the Planning Commission to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any undue risk of fire or explosion.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

Regarding these required findings, this Commission finds that:

1. The proposed use is consistent with the *2035 Kings County General Plan*.

Finding: The proposal conforms with the policies of the *2035 Kings County General Plan*, specifically:

- A. Figure LU-11, “Kings County Land Use Map” of the *2035 Kings County General Plan* designates this site as Exclusive Agriculture (AX) (westernmost 160 acres) and General Agriculture – 40 Acre (AG-40) (the remaining 1,919 acres of the Project Site).
- B. Page LU-13, Section III.A.1. of the “Land Use Element” of the *2035 Kings County General Plan* states that agricultural land use designations account for a vast majority of the County's land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20-Acre Minimum, General Agriculture 40-Acre

Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations related to minimum parcel size, animal keeping, and agricultural service business. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in manner that remains compatible with other uses within the County. The development of agricultural services and produce processing facilities within the Agricultural areas of the County shall develop to County Standards.

- C. Page LU-13, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the General Agriculture – 40 Acre (AG-40) designation is applied to rural areas of the county south of Kansas Avenue, excluding the Urban Fringe areas of Corcoran, the Communities of Kettleman City and Stratford, and high slope areas of the Coast Ranges. This designation allows intensive agricultural uses that by their nature may be incompatible with urban uses. Much of the land within this designation is also subject to flood hazard risk and should remain devoted to agriculture use to reduce the potential for future conflicts.
- D. Page LU-14, Section III.A.1 of the “Land Use Element” of the *2035 Kings County General Plan* states that the Exclusive Agriculture (AX) designation is applied around Naval Air Station Lemoore and its flight paths to reduce potential conflicts between military jet aircraft operations and surrounding land uses. Areas subject to potential aircraft noise and safety issues are designated Exclusive Agriculture (AX) to reduce the number of residences and preserve priority agricultural lands from encroachment by incompatible uses.
- E. Page LU-27, Section IV.B of the “Land Use Element” of the *2035 Kings County General Plan* states that Agricultural Open Space is the most extensive environmental category that displays the rural agricultural nature of the county. The agricultural land use designations (Limited Agriculture, General Agriculture 20 Acres, General Agriculture 40 Acres, and Exclusive Agriculture) are used to define distinct areas of agricultural intensity and protect agricultural land from the encroachment of incompatible uses. Limited and General Agriculture designated areas provide appropriate locations for agricultural support businesses, while Exclusive Agriculture provides a safety and noise buffer around the Naval Air Station. The physical development of agricultural properties is regulated and implemented by the Zoning Ordinance, in which the zone districts have the same designations: Limited Agriculture (AL-10), General Agriculture (AG-20 and AG-40), and Exclusive Agriculture (AX) are used. The minimum parcel size in the Exclusive Agriculture area is 40 acres. (Note: *Zoning Ordinance No. 269.69* was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015, and became effective on April 2, 2015.)
- F. Page LU-37, LU Objective B6.1 of the “Land Use Element” of the *2035 Kings County General Plan* establishes Exclusive Agriculture designated areas in coordination with Naval Air Station Lemoore (NAS Lemoore) officials to serve as an open space buffer for public safety purposes that is consistent with the base’s defined areas of operation.
- G. Page LU-37, LU Policy B6.1.2 of the “Land Use Element” of the *2035 Kings County General Plan* states that Exclusive Agriculture shall be used along NAS Lemoore defined flight path corridors that exhibit levels of at least 70 dB CNEL aircraft generated noise to limit and

discourage intensive agricultural and structure-based land uses that may pose increased risks to inhabitants and base operations.

- H. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agriculture Open Space area and are supported for their continued operation and existence.
 - I. Page LU-38, LU Objective B7.1 of the “Land Use Element” of the *2035 Kings County General Plan* allows compatible Open Space and Public uses of land within Agriculture Open Space area of the County.
 - J. Page LU-38, LU Policy B7.1.3 of the “Land Use Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - K. Page RC-50, RC Objective G1.2 of the “Resource Conservation Element” of the *2035 Kings County General Plan* seeks to promote the development of sustainable and renewable alternative energy sources, including wind, solar, hydroelectric and biomass energy.
 - L. Page RC-50, RC Policy G1.2.4 of the “Resource Conservation Element” of the *2035 Kings County General Plan* coordinates the siting of alternative energy facilities within the Exclusive Agriculture (AX) Zone District with the Naval Air Station Lemoore to ensure such facilities will not have the potential to create a hazard for aircraft (e.g., reflective solar panels).
 - M. Page RC-50, RC Policy G1.2.5 of the “Resource Conservation Element” of the *2035 Kings County General Plan* states to site new large-scale alternative energy facilities where they can be served by existing electrical transmission lines, or where such lines can be located and designed to minimize visual, environmental, and agricultural disturbances.
 - N. Page RC-51, RC Policy G1.2.7 of the “Resource Conservation Element” of the *2035 Kings County General Plan* requires commercial solar and wind energy systems to be reviewed as a conditional use permit pursuant to the procedures of the Kings County Zoning Ordinance. (Note: *Zoning Ordinance No. 269.69* was repealed and replaced when *Development Code No. 668* was adopted on March 3, 2015, and became effective on April 2, 2015.)
2. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
- A. The approval of proposed Modification No. 1 to Conditional Use Permit No. 22-05 (Westlands Cherry Solar Project) is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*. The proposed use should not be detrimental to public health and safety, or materially injurious to properties in the vicinity. An addendum (Addendum No. 1) to the original Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for this proposed project modification. The proposed project modification may have significant adverse impacts on the environment; however, those impacts can be mitigated to a less-than-significant level by implementing the Mitigation Monitoring & Reporting Program (MMRP) attached to the Planning Commission Resolution for this project

as Exhibit “A.” The addendum to the IS/MND reflects the Planning Commission’s independent judgement and analysis.

As provided by CEQA Guidelines Section 15164, the lead agency shall prepare an addendum to a previously certified EIR or IS/MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred. An addendum is appropriate under Section 15164 where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration.

Addendum No. 1 to the IS/MND provides CEQA review for the modified Westlands Cherry Solar Project, and its evaluation determines if any changed conditions caused by the proposed project modification may result in a different environmental impact significance. The proposed Modification No. 1 for CUP No. 22-05 would not result in any new significant or substantially more severe impacts than were identified in the 2022 adopted IS/MND, and therefore an addendum to the originally adopted IS/MND is appropriate.

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring, or there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
 - A. The IS/MND did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit “A.” to Resolution No. 24-07.
4. The proposed conditional use complies with all applicable standards and provisions of this *Development Code* and the purposes of the district in which the site is located.
 - A. The project site is located within the General Agriculture – 40 Acre (AG-40) zone district.
 - B. Article 4, Section 407, Table 4-1 of the Kings County Development Code prescribes the land use regulations for “Agricultural” zoning districts. The regulations for each district are established by letter designation shown in the key to Table 4-1.
 - 1) Table 4-1 lists commercial solar photovoltaic electrical generating facilities as a use requiring a conditional use permit within the General Agriculture – 40 Acre (AG-40) zone district, subject to Planning Commission approval.

C. Article 10, Section 1004.A of the Kings County Development Code states that the regulations contained in the Agricultural Overlay Zone (AOZ) are intended to be applied to Agricultural Zone District areas where additional land use limitations are needed to implement the Kings County General Plan and address related public health and safety concerns. The AOZ is intended to provide added restrictions that are limited in scope and serve to modify the base zone district requirements. The specific purposes of the AOZ are:

- 1) Reduce potential land use conflicts around the Naval Air Station Lemoore, concerning noise and safety due to the operation of military jet aircraft.
- 2) Enhance land use compatibility around Naval Air Station Lemoore by accommodating agriculture, aircraft, and residential uses in a compatible manner that maintains economic and national defense sustainability while also allowing residents opportunities to improve their quality of life.
- 3) Preserve lands best suited for agricultural uses and serving as a military base safety buffer from encroachment by incompatible uses.
- 4) Apply to Exclusive Agriculture (AX) expansion areas as adopted by the Board of Supervisors in January 2010 and any changes and/or amendments of such expansion areas and implement the policies and provisions of the Kings County General Plan.
- 5) The AOZ shall be shown on the Zoning Map by adding the designator “AO” to the base district designation. The AOZ will be applied to all properties designated as Exclusive Agriculture (AX) as shown on Figure LU-11 of the *2035 Kings County General Plan* and currently zoned as either AG-20 or AG-40.
- 6) The provisions in this chapter shall apply to all parcels of land located within the designated boundaries of the overlay district as illustrated on maps contained on the County zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where the overlay zoning district is not defined, the regulations of other sections of this title shall apply.

D. Development Standards and Regulations within the Agricultural Overlay Zone:

- 1) The maximum height for any structure is 100 feet.

E. Article 11, Section 1112.B.2 of the Kings County Development Code identifies the following standards for commercial solar electric generating systems in Agricultural Zoning Districts:

- 1) The proposed site shall be located in an area designated as either “Very Low Priority,” “Low Priority,” or “Low-Medium Priority” land according to Figure RC-13 Priority Agricultural Land (*2035 Kings County General Plan*, Resource Conservation Element, Page RC-20). “Medium Priority” land may be considered when comparable agricultural operations are integrated, the standard mitigation requirement is applied, or combination thereof.

- a. As shown in Figure RC-13 “Priority Agricultural Land” of the *2035 Kings County General Plan*, the project site is designated as Low Priority and Low-Medium Priority. The proposed project is consistent with the requirement of the Development Code.
- 2) The proposed site shall be located within 1 mile of an existing 60 kV or higher utility electrical line. Small community commercial solar projects (less than or equal to 3 MW) may be located more than 1 mile from a 60 kV or higher transmission line subject to the following findings:
 - a. The project site is located on low or very low priority farmland.
 - b. The project site is not restricted by a Williamson Act or Farmland Security Zone contract.
 - c. The project will connect to existing utility infrastructure without building new power lines.
 - d. The project will not result in any additional easements on agricultural land, other than access easements or easements within the public Right-of-Way.
 - i. Discussion: The proposed project is not 3 megawatts or less and does not qualify as a small community commercial solar project. Therefore, the project shall be located within 1 mile of a 60 kV or greater transmission line. An existing 70 kV utility transmission line passes through the center of the project alongside the 25th Avenue alignment. The proposed project is consistent with this requirement of the Development Code.
- 3) Agricultural mitigation shall be proposed for every acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance converted for a commercial solar facility. The agricultural mitigation shall preserve at a ratio of 1:1 an equal amount of agricultural acreage of equal or greater quality in a manner acceptable to the County for life of the project. Agricultural mitigation on land designated “Medium-High” or higher priority land shall preserve an equivalent amount of agricultural acreage at a ratio of 2:1.
 - a. Discussion: Under the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP), approximately 560 acres of the project site are mapped as Farmland of Statewide Importance, approximately 1,433 acres are mapped as Grazing Land, and the remaining 86.1 acres are mapped as Urban and Built Up Land where the former tailwater basin was located. Unless mitigated, the project would result in conversion of the Farmland of Statewide Importance to non-agricultural use. To reduce the potential impacts to less-than-significant, the MMRP lists three mitigation measures. Mitigation Measure AG-1 requires an Agricultural Management Plan (AMP) that will provide for the ongoing agricultural productivity of the project site through dry farm seasonal sheep grazing for the life of the project. Mitigation Measure AG-2 requires the preparation of a Soil Reclamation Plan which will be implemented upon project decommissioning at the end of the project’s useful life.

Mitigation Measure AG-3 provides the County with financial assurance in the form of a performance or cash bond, or another County-approved instrument, to ensure the implementation of Mitigation Measure AG-2. Mitigation Measures AG-1, AG-2, and AG-3 shall be submitted to the Kings County Community Development Agency prior to the issuance of building permits for the proposed project. With the implementation of these Mitigation Measures, both temporary and permanent impacts to “Farmland” would be reduced to less-than-significant levels with mitigation incorporated. No portion of the project site is designated as “Medium-High” or higher priority lands in Figure RC-13 “Priority Agricultural Land” of the *2035 Kings County General Plan*. The project is consistent with this requirement of the Development Code.

- 4) The project shall include a reclamation plan and financial assurance acceptable to the County that ensures the return of the land to a farmable state after completion of the project life and retains surface water rights.
 - a. Discussion: A Soil Reclamation Plan with County-approved financial assurances will be required through Mitigation Measures AG-2 and AG-3 and will satisfy this requirement of the Development Code.
- 5) The project shall include a pest management plan and weed abatement plan to protect adjacent farmland from the nuisances and disruption.
 - a. Discussion: A pest management and weed abatement plan are conditions of approval and shall be submitted to the Community Development Agency for approval prior to the issuance of building permits. See Condition No. 15 below.
- 6) The project shall space internal access driveways per Kings County Fire Department Standards.
 - a. Discussion: Prior to the issuance of the building permit, detailed site plans showing internal access driveways shall be prepared and provided to the Planning Division and Fire Department for approval. The access driveways shall be maintained and completely surround the solar panels to allow access from any side or end. Access driveways shall not be less than 20 feet wide or spaced greater than 400 feet apart and shall provide vertical clearance of not less than 13 feet 6 inches. Detailed plans shall be provided for review and the applicant shall meet with the Fire Marshal in a timely manner upon request for clarification of any issues. See “Other Standards and Regulations” below for Kings County Fire Department requirements. With these requirements, this finding would be satisfied.
- 7) The project shall include a solid waste management plan for site maintenance and disposal of trash and debris.
 - a. Discussion: The applicant shall implement a Solid Waste Management Plan for the project. The non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill. Hazardous wastes generated during project construction, operation, and decommissioning shall be either

recycled or disposed of at a Class I disposal facility, as required. With implementation of Condition No. 17 listed below, this finding would be satisfied.

5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity.
 - A. The approved project and the proposed project modification were and are subject to analysis pursuant to the *California Environmental Quality Act (CEQA)* and the CEQA Guidelines. An IS/MND on the original Westlands Grape Solar Project was prepared and circulated for a 30-day public comment period. With incorporation of mitigation measures, the proposed project, as modified, will not result in any of the significant effects which are objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties, or improvements in the vicinity. In addition to mitigation measures adopted as part of the Mitigation Monitoring & Reporting Program (MMRP), other conditions of approval, including implementation of zoning, public works, fire department, public health, and engineering and design standards will ensure that operation of the proposed use is not a nuisance.
6. That no process, equipment, or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any undue risk of fire or explosion.
 - A. The proposed facility will not be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any undue risk of fire or explosion. The proposed modified project would involve the construction, operation, maintenance and decommissioning of a solar photovoltaic power generating facility on approximately 1,759 acres of land. Hazardous materials would be handled in compliance with applicable laws and regulations regarding transport, handling, disposal, and storage. The modified Project would comply with federal and state regulations regarding the use, handling, disposal, recycling and reuse of PV cells. Lighting will be oriented and/or shielded to the interior of the site to prevent spillage onto nearby properties and rights-of-way. Solar glare would not impact flight paths or the air traffic control station. In addition, compliance with international, federal, state, and local regulations would ensure that there is a low potential for fires. A Water Tank Concept Plan has been submitted to show the location and method of water connection for the Kings County Fire Department requirement of a 10,000-gallon (at minimum) water tank equipped with a pressure system and float valve to keep the tank full at all times for fire suppression. The IS/MND and Addendum No. 1 did not identify any potentially significant environmental effects that cannot be mitigated to a less-than-significant level. The Mitigation Monitoring & Reporting Program (MMRP) identifies specific project impacts, how they will be mitigated, and which entity is responsible for ensuring their completion. The MMRP is included as Exhibit "A" to Resolution No. 24-07. Other conditions of approval, including implementation of zoning, public works, fire department, public health,

and engineering and design standards will ensure that operation of the proposed use is not a nuisance.

7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
 - A. The proposed modified project would include the installation of a septic tank and drain field system for the wastewater from the O&M facility. The septic system would require a building permit from the Kings County Community Development Agency – Building Division. On-site septic system facilities would be installed in compliance with the California Building Code and Kings County Plumbing Code and would be subject to the approval of the Kings County Community Development Agency and Kings County Environmental Health Services. The system shall be designed by a qualified engineer (see Building Division Requirement No. 11 below).
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
 - A. This modified project as described in the original IS/MND and Addendum no. 1 to the IS/MND will be required to comply with all applicable regulations of the SJVAPCD, including but not limited to Rules 8011 through 8081 (Fugitive Dust Prohibitions) and Rule 9510 (Indirect Source Review). The construction and decommissioning of this project will temporarily increase emissions of PM₁₀ and thus a condition of approval will require the project to comply with SJVAPCD Regulation VIII.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.
 - A. Article 16, Section 1602.A.5 requires site plans for commercial and industrial projects to be professionally drawn to a scale large enough to show all details clearly with full dimension. Site plans must include detail of the following: lot dimensions; setback measurements; all buildings and structures; yards and space between buildings; all walls, fences, and gates; off-street parking; property access; signs; loading; lighting; street dedications and improvements; landscaping; fire hydrants; on-site drainage; and any other data as required. The site plan meets all of the criteria required by Section 1602.A.5, such that the locations, sizes, and functions of all existing and proposed features can be ascertained.

STATEMENT OF FINDINGS OF CONSISTENCY:

1. **LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:**
 - A. The project site is subject to a Williamson Act and/or Farmland Security Zone Contract pursuant to *Government Code* Section 51295. On November 26, 2013, Kings County adopted Resolution No. 13-058 recognizing that certain land parcels within the County south of SR-198 and west of SR-41 (e.g., where the project site is located) that are under Williamson Act and/or Farmland Security Zone contracts are limited in agricultural production due to reduced surface water deliveries, poor groundwater quality and severe groundwater overdrafts, impaired soil conditions, and regulatory burdens. Further, the Resolution provides a soil

reclamation plan and financial assurances, and if a finding can be made, based upon substantial evidence, that the proposed concomitant commercial agricultural operation is a reasonably foreseeable use of the land (taking into account surface water availability, groundwater quality and availability, and soil conditions).

The soil and water analysis reports prepared for neighboring project sites with the same soil types and conditions as the project site state that the native soils of the project area have naturally high salt levels and have been exacerbated by poor natural drainage. The short supply of high-quality water imported water limits the amount of surface water that can be applied to pre-irrigate the soil to leach out some salts. Long term soil salinity conditions are expected to increase due to lack of a subsurface drainage system and a sustainable leachate disposal outlet. This fulfills the requirements of Resolution No. 13-058 in demonstrating that poor soil and water quality, and insufficient supplies of surface and groundwater currently exist, and that the proposed concomitant commercial agricultural operation (solar facility and dry farm seasonal sheep grazing) would be a reasonably foreseeable use of the land at the modified project site. Consequently, because the project site is located within an area covered under Resolution No. 13-058, has adequately demonstrated that poor soil and water quality exist, water supply is insufficient to support agricultural crops, and because the project would allow for dry farm seasonal sheep grazing and would require a Soil Reclamation Plan and an updated Engineer's Cost Estimate for financial assurances every five years, there would be no potential conflict or conversion of land under the Williamson Act and Farmland Security Zone contracts.

2. FLOOD PLAIN FINDINGS:

- A. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0300C, dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

3. AIRPORT COMPATIBILITY ZONE FINDINGS:

- A. The project site is not located within an Airport Compatibility Zone.

BE IT FURTHER RESOLVED, that based on the above findings this Commission adopts the Addendum No. 1 to the Initial Study/Mitigated Negative Declaration prepared for Modification No. 1 to Conditional Use Permit No. 22-05 and approves Modification No. 1 to Conditional Use Permit No. 22-05, as proposed, subject to the conditions and exceptions as follows:

- 1. All proposals of the applicant shall be requirements unless modified herein.
- 2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:

- A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Site Plan Review.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of the *Development Code No. 668.17*, with particular reference to the General Agriculture – 40 Acre (AG-40) Zone District standards contained in Article 4 and the standards for Conditional Use Permits contained in Article 17.
 4. All signage must comply with Section 418.C of the *Kings County Development Code*. Signs shall be located outside the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
 5. Any exterior lighting shall be hooded so as to be directed only on-site. Pursuant to Section 418.E of the *Kings County Development Code*, exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.
 - A. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
 - B. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
 - C. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

6. Pursuant to Section 418.F of the *Kings County Development Code*, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water meters: The installation of water meters to encourage water conservation.
 - B. Stormwater Drainage: The integration of onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase stormwater detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
7. Off-street parking shall be provided in accordance with Article 13, Table 13-1 of the *Kings County Development Code* and shall be installed in accordance with *Kings County Improvement Standards*. **(Note: Accessible parking requirements are listed under Building Division Requirement No. 8 below.)**
8. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site, or 2) the final inspection. (Note: the applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation.)
9. Pursuant to Section 303.G of the *Kings County Improvement Standards*, the parking area at the O&M building shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires two (2) inches of Type “B” Asphalt Concrete over four (4) inches of Class 2 aggregate base over six (6) inches of R-50 Native @ 95% compaction under the “Heavy Use” conditions. All other parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface pursuant to the “Rural Alternative”. Section 303.G and Drawing 3036 of the *Kings County Improvement Standards* requires Cutback Asphalt over four (4) inches of Decomposed Granite under the “Rural Alternative”. (Note: the Kings County Planning Commission hereby reserve the right to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due to vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County roads.)
10. Accessible parking spaces shall be located so as to minimize the travel distance to the use’s primary entrances for access. Required off-street accessible parking spaces, and standards for those spaces, shall meet state standards.
11. Pursuant to Article 4, Section 418.B. of the *Kings County Development Code* the following are required for landscaping in Agricultural Zoning Districts:
 - A. In all Agricultural Zoning Districts, as stated in Article 15, all new construction and

rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”.

12. Pursuant to Section 418.B of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
 - A. Fences, walls and hedges exceeding six (6) feet in height shall be permitted except that fences, walls, and hedges shall not exceed three (3) feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - B. Gates shall be permitted as follows:
 - 1) Gates which are used for the primary vehicular ingress and egress, and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - a. A minimum distance of twenty (20) feet.
 - b. A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
 - 2) Gates used for the primary vehicular ingress and egress, and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - a. The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - b. The gate must be operational at all times using a remote-control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - c. At any time that the gate is not operational using the remote-control device the gate must be locked in the open position or it must be removed entirely.
 - 3) Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat, or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
13. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash, and debris.

14. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line if not fronting on a public road right-of-way. The minimum front yard setback for non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way or property line if not fronting on a public right-of-way.
 - B. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - C. The minimum rear yard setback shall be ten (10) feet from the rear property line.
15. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a pest management and weed abatement plan** which establishes set action thresholds, identifies pests, specifies prevention methods as a quantitative performance goal of nuisance reduction to adjacent farmland. Rodenticide, if used, shall be selected, and used in a manner that minimizes impacts to protected biological species.
16. The weed abatement plan shall contain specific provisions to address Russian thistle (also known as tumbleweed). The weed abatement plan shall also contain specific provisions requiring that weeds be addressed on an annual basis (prior to reaching maturity and prior to producing seeds) on the entire property that the project site is located on, the perimeter fence line, the area outside the perimeter fence to all adjacent property lines, and the area outside the perimeter fence to the adjacent County road shoulder.
17. **Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Solid Waste Management Plan** which establishes action items and specific control methods to ensure that: 1) the non-hazardous waste generated during construction and operation shall be segregated on-site for recycling or disposal at a Class III landfill; and 2) hazardous wastes generated during project construction and operation shall be either recycled or disposed of at a Class I disposal facility, as required.
18. **Prior to issuance of a building permit, the applicant shall submit for review and approval by the Kings County Community Development Agency a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life.** The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate pre-project condition, including: 1) removal of all above-ground and below-ground project fixtures, equipment, and nonagricultural driveways; 2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; 3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and 4) application of weed-free mulch spread, as needed, to stabilize the

soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff until the entire project area has been restored to equivalent conditions. All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.

19. **Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer's Cost Estimate and approved by the Kings County Community Development Agency, to ensure the completion of activities under the Soil Reclamation Plan.** Every five (5) years from the date of completion of construction of the project, the applicant shall submit an updated Engineer's Cost Estimate for financial assurances for the Plan, which will be reviewed every five (5) years by the Kings County Community Development Agency to determine if the amount of the assurances is sufficient to implement the Plan. The amount of assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan. The fees for each five-year review of assurances shall be determined by the Kings County Board of Supervisors and paid by the owner/operator at the time of review.
20. Additional annual service impact fees affecting the Kings County Fire Department and the Kings County Sheriff Department will not be billed to the applicant. Instead, the applicant will be responsible for paying for services rendered by the two departments during times of emergency when services are provided for the project site.
21. The land upon which this project is located is subject to Farmland Security Zone Contract No. 266 & Farmland Security Zone No. 50. All land uses and structures located on this contracted land must comply with the "*Uniform Rules for Agricultural Preserves in Kings County*" and the requirement of the "*California Land Conservation 'Williamson' Act*", specifically sections 51231, 51238, 51238.1 and 51250. Failure to comply with said *Uniform Rules and Act* may result in action taken by Kings County or the State of California to enforce the conditions of the contract. Such enforcement may result in substantial monetary penalties and termination of that portion of the *Williamson Act* Contract determined to be incompatible.
22. All mitigation measures in the Mitigation Monitoring and Reporting Plan (MMRP), as modified, pertain to Modification No. 1 to CUP No. 22-05, are adopted as conditions of this approval, and are included in Modification No. 1 to Conditional Use Permit No. 22-05.
23. All terms and conditions from "Agreement Between the County of Kings and Westlands Cherry, LLC for Indemnification and Reimbursement for Extraordinary Costs No. 2202-004" (Indemnification & Reimbursement Agreement) still apply.
24. The applicant shall comply with all requirements of, and obtain any necessary permits from, the San Joaquin Valley Air Pollution Control District (SJVAPCD). Questions concerning the SJVAPCD requirements should be directed to Patrick Chimienti at (559) 230-6139.
25. The applicant shall comply with all adopted rules and regulations of the Kings County Public

Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.

26. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgement of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
27. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
28. Sales, use, or transactions tax may apply to business activities on the site. The applicant may seek written advice regarding the application of tax to your particular business by writing to the nearest State Board of Equalization office. For general information, please call the Board of Equalization at 1-800-400-7115.
29. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
30. This Conditional Use Permit shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void three (3) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of three (3) years a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
31. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Planning Commission prior to the permit’s expiration date.
32. This approved Conditional Use Permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the Conditional Use Permit approval.
33. This permit shall become effective upon the expiration of eight (8) days following the date on which the permit was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

For additional information regarding the above conditions contact Noelle Tomlinson of the Kings County Community Development Agency at (559) 852-2697.

BE IT FURTHER RESOLVED, that the following departments’ and agencies’ have listed requirements, standards, and regulations that must be met under those departments’ and agencies’ jurisdiction. The Planning Commission has no authority to modify, amend, or delete any of these requirements, standards, and regulations, but lists them here as information to the applicant. Appeals for relief of these standards and regulations must be made through that department’s or agency’s procedures,

not through the *Development Code* procedures. However, failure of the applicant to comply with these other departments' and agencies' requirements, standards, and regulations is a violation of this conditional use permit (see condition No. 22 above) and could result in revocation of this conditional use permit.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION (Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements.)

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A complete set of plans and calculations shall be required for all work proposed and required by this application. The plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures. Plans and calculations shall be submitted digitally to <https://cdapermits.countyofkings.com>.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. School fees based on square footage of the building shall be added to the cost of the building permit, unless the school district provides an exemption from the school fees.
7. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
8. The tenant, lessee and/or owner are responsible for compliance with the Americans with Disabilities Act, ADA. By federal law the facility shall be made accessible to the highest degree possible.
9. Public Facilities Impact Fees for the building shall be payable at the time of the issuance of the building permit if applicable.
10. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
11. If restroom facilities are to be constructed, a septic system design prepared by a qualified soils engineer shall be provided to the Building Division prior to issuance of building permits.

12. The facility shall meet the requirements of the State of California Model Water Efficient Landscape Ordinance. If landscaping is proposed, then landscape and irrigation plans shall be provided to the Community Development Agency for review and approval prior to building permit issuance.
13. All construction shall conform to the latest adopted edition of the California Building Standards Code which consist of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY PUBLIC WORKS DEPARTMENT: (Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements.)

1. All requirements required hereafter shall conform to the Kings County Improvement Standards.
2. All other alternatives to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work in County right-of-way.
4. Applicant shall provide asphalt concrete drive approach(es).
5. Access to the site from a public road must be provided and must be approved by the County.
6. Additional right-of-way shall be dedicated. Right-of-way, access lanes, and easements shall be cleared of all obstructions. The clearing of all right-of-way obstructions shall be at the expense of the owner.
 - a. Right-of-way shall be dedicated at the following location(s): 33 feet along the south side of Sections 33 and 34.
7. Durable and dustless drive(s) shall be constructed.
8. Streetlights shall be installed at the following location(s) and shall conform to:
 - a. Provide a 4000 Kelvin or 120- or 139-Watt LED streetlight on a standard wood pole to be maintained and paid for by applicant at entrances to site.
9. Drive approaches shall extend a minimum of 50' beyond the County right-of-way. Drive approaches shall be 2 ½" of asphalt concrete over 10" Class 2 base rock. Drive approach shall be constructed so as storm drainage shall flow toward property.
10. Gates shall be indented to allow for sufficient distance for traffic to park off County right-of-way.
11. Fence shall be set back 1' from the County right-of-way line. Applicant shall maintain fence line and adjacent County road shoulder in weed-free condition.

12. Patch any potholes and repair any edge pavement failures or road shoulder damage that is a result of the project construction phase as directed by Kings County Public Works.
13. Design and construct all improvements necessary to provide for the safe travel of traffic on Nevada Avenue at and approaching access points to site. Primary concerns shall include the mitigation of through traffic and vehicles turning left or right off Nevada Avenue into solar site during the construction phase. Submit engineered improvement drawings for this work to the Kings County Public Works Department for review.
14. An agreement allowing for services run in County right-of-way shall be entered into with Kings County prior to the issuance of encroachment permits.

KINGS COUNTY FIRE DEPARTMENT Contact Blake Adney at the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. The Fire Department requires a supply of firefighting water available in a storage tank on the site. The amount of water required will be in accordance with NFPA 1142 and is dependent on building volume, construction type, and exact use.
2. See attachment (Exhibit “B”) for instructions on storage tank fire suppression requirements.
3. All- weather access roads capable of supporting heavy fire apparatus, of not less than twenty feet width and thirteen feet six inches of vertical clearance, shall be provided. Roads must comply with the California Fire Code.
4. A 4A 60BC fire extinguisher is required to be located in plain sight not more than other (to be determined) feet from any point in the structure. The location of fire extinguishers must be easily accessible, be easily visible, and be near entrances or exit doors. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions.
5. Employees should be familiar with the use of fire safety equipment.
6. A set of building plans must be reviewed and approved by the Kings County Fire Department.
7. The fire protection system, if provided, must be up to date on required inspections and tests and be approved by the Kings County Fire Department.
8. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
9. Property must be equipped with a Knox Box for Fire Department access.
10. Adjustment shall not interfere with Fire Department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.

11. Address identification required per Section 505.1 of the California Fire Code.
12. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.
13. Other specifically:
 - a. See attached Photovoltaic Final Document for additional requirements.

PHOTOVOLTAIC SOLAR PANEL ADDITIONAL REQUIREMENTS

14. The following information shall be provided on the title page, along with three sets of 24 x 36 inch plans. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
 - a. Project location, including the full legal address of the facility, and building number(s) if applicable; tract or parcel number.
 - b. The contractor's name, telephone number, address and California State contractor's license number and classification.
 - i. Identify the fire extinguisher locations, type and size, mounting style and height above finished floor. Must have a California State Fire Marshal service tag affixed to them.
 - ii. Show all roadways. Show the current property vehicle access points as well as the proposed vehicle access points for this project.
 - iii. Show the location and width of fire apparatus access lanes.

Additional Requirements.

The following additional requirements may be needed in order to obtain approval by the Kings County Fire Department if an application for a permit to build a photovoltaic solar panel facility. The Kings County Fire Department reserves the right to amend existing comments or requirements or add additional comments or requirements depending upon the hazards involved with an individual project(s).

NOTE – Satisfying the below requirements does not automatically mean your plans will be approved.

15. Access Roads:
 - a. The engineering designs of all life safety and fire suppression roads shall be reviewed by the Kings County Public Works Department and approved by the Kings County Fire Department.

- b. Life safety and fire suppression access roads shall be not less than 20 feet in width around the perimeter of the site and shall include interior fire access roads of not less than 20 feet in width that are spaced so that there is not greater than 400 feet in separation between fire access roads on the interior of the site.
- c. Life safety and fire suppression access roads shall be designed, engineered, and maintained to be an all-weather surface capable of supporting the imposed loads of a sixty-five thousand (65,000) pound fire apparatus with a maximum grade of 12 percent.
- d. There shall be an unobstructed vertical clearance of 13 feet 6 inches above all life safety and fire suppression access roads.
- e. If an access road is a dead-end road, the access road shall include either a 50-foot radius at the end of the road or other Kings County Fire Department approved turnaround space.
- f. There shall be a minimum of 4 feet of separation between rows to allow access for fire suppression personnel and equipment.
- g. Facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved Life Safety and Fire Suppression access roads/entrances. It should be noted that if the developer chooses to fund the purchase of an all-terrain firefighting vehicle, this requirement is still needed since, due to the size of the structure, more than one firefighting vehicle would be needed.
- h. At the sole discretion of the Kings County Fire Chief or his or her designee, an applicant may request to satisfy the above requirements regarding interior fire access roads by:
 - i. Providing funds sufficient to purchase an all-terrain firefighting vehicle of a model, cost, conditions, and equipment as specified by the Kings County Fire Department.
 - ii. Providing funds to be held in a special account to pay for the purchase, maintenance, repair, or replacement of an all-terrain firefighting vehicle as set forth above. The amount of funds to be provided shall be set by the Kings County Fire Department as an amount equal to the pro rata share of the cost of purchasing a new vehicle based upon the acreage of the solar project, as well as any other factors deemed pertinent including, but not limited to, the project's proximity to other solar projects, agricultural or residential developments, or fire stations.

16. Fire Suppression Systems and Access to Water:

- a. Any fire suppression systems will need to meet all applicable State and Kings County Fire Department requirements.
- b. The fire protection system, including fixed and portable extinguishing systems, must be up to date on required annual fire inspections and tests and be approved by the Kings County Fire Department.

- c. The Fire Department may require a supply of firefighting water available in a storage tank(s) on site. The amount of water required and any required connections shall be in accordance with NFPA 1142 and the Kings County Fire Department. The tank shall be equipped with a pressure system and float valve device to keep the tank full at all times.

17. Gates and Address Numbers:

- a. Four-inch reflective address numbers at the main street side entrance shall be installed pursuant to Section 505.1 of the California Fire Code.
- b. Where gates are provided, a means for Fire Department entry shall be provided. Manual gates shall have a Fire Department Knox key lock provided. Powered gates shall be provided with a Fire Department Knox access override system. Gates shall open inward and gate entrances shall be 4 feet wider than the lane serving the gate and be located a minimum of 30 feet from the roadway to allow a vehicle to stop without obstructing traffic. A Knox pad lock shall be placed on chained gates or Knox box with gate access keys mounted at the main entrance for Fire Department access.

18. On-Site Fire Extinguishers:

- a. There will be a minimum rated 4A60BC fire extinguisher located at each inverter pad and transformer pad, mounted on a bollard protected from the weather or in a cabinet. All extinguishers shall be mounted with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions. These extinguishers must be maintained per California Fire Code.
- b. A minimum of one fire extinguisher shall be on site during construction of the facility. The required number and type of extinguishers on site during construction will vary by size of the facility.
- c. Employees shall be familiar with the use of fire safety equipment.

19. On-Site Battery Storage Units or Devices:

- a. The addition of battery storage units or devices will trigger additional Fire Department requirements dependent upon the battery technology and design selection employed. Requirements may include, but shall not be limited to, the purchase of specialized hazmat vehicles along with mandated training of Fire Department personnel.

20. Training Regarding Interruption of Electrical Power Supply:

- a. Subject to Fire Marshal approval, applicant shall provide training for fire personnel to be able to interrupt electrical power safely for emergency incidents requiring fire suppression or rescue activities.

21. Maintenance of Site:

- a. Areas within the solar array must be maintained free of flammable materials; **annual vegetation must be maintained at a height of less than four inches.**
- b. A clear, brush-free area of ten feet (thirty feet in the SRA) shall be required around ground-mounted photovoltaic arrays. This area shall be cleared of all dry grass, weeds, rubbish, trash, litter, tires, tree stumps, and other waste material, or any flammable material.

SANTA ROSA RANCHERIA TACHI YOKUT TRIBE: (Contact Shana Powers, Tribal Historic Officer/Cultural Director, at (559) 924-1278 concerning the following requirements.)

1. **Prior to any ground disturbance and issuance of building permits,** the applicant shall enter into a curation agreement with the Santa Rosa Rancheria Tachi Yokut Tribe regarding the cultural resources and a burial treatment and protection plan, which shall be in a form acceptable to the Tribe.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT: (Contact SJVAPCD at (559) 230-5800 concerning the following requirements.)

1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District *Regulation VIII* requirements.

PACIFIC GAS & ELECTRIC COMPANY: (Contact Rand Reynolds at rand.treynolds@pge.com concerning the following requirements.)

1. The applicant shall comply with PG&E letters dated June 13, 2024, and June 27, 2024 (attached as Exhibit “C”).

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on August 5, 2024, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

KINGS COUNTY PLANNING COMMISSION

Riley Jones, Chairperson

WITNESS, my hand this ____ day of _____, 2024.

Chuck Kinney
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel
Kings County Code Compliance
Regional Water Quality Control Board

Attachments:

Exhibit "A" – Mitigation Monitoring & Reporting Program (MMRP)
Exhibit "B" – Kings County Fire Department Water Storage Tank Handout
Exhibit "C" – PG&E letters dated June 13, 2024, and June 27, 2024

P:\BUILDINGPERMITSYSTEM\GRAPHICS\PLANNING\CUP-22-005\2024 MODIFICATION\PLANNING COMMISSION\RESO.CHERRY.SOLAR.MODIFICATION1.DOC

Exhibit A

MITIGATION MONITORING AND REPORTING PROGRAM

CHERRY SOLAR PROJECT CUP 22-05

COUNTY OF KINGS, CALIFORNIA

JULY 2022 (REVISED OCTOBER 2022)
(UNCHANGED FOR JUNE 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<p>Mitigation Measure AG-1: Agricultural Management Plan. Prior to the issuance of a building permit, the applicant shall submit to Kings County an Agricultural Management Plan (AMP) that provides for the ongoing agricultural productivity of the entire project site for the life of the project. The AMP shall specify that at least 90 percent of this area of the site shall be vegetated with grasses and forbs and shall be managed for dry farm seasonal sheep grazing. The AMP shall include specific provisions for soil preparation and revegetation including specifications for a seed mix which is appropriate to the soil and climatic conditions in the absence of irrigation, methods of avoiding invasive species, and a list of acceptable vegetation that meets the dietary needs of sheep. The AMP shall include detailed provisions to ensure the successful establishment of the planned vegetative cover, and shall identify appropriate maintenance activities, including conditions under which herbicides may be used, and particularly the identification and selection of herbicides that are non-toxic to livestock and wildlife. The AMP shall also prescribe the management practices for sheep grazing. The AMP shall include provisions for ongoing monitoring and annual reporting of agricultural activity on the site to the Kings County Community Development Agency. The AMP shall also comply with the requirements of the Kings County Development Code related to weed abatement and pest control.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit AMP to Kings County CDA.</p> <p><u>During Project Operation:</u> Implement AMP as approved by Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County Community Development Agency (CDA).</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that AMP is complete and in compliance with County requirements.</p> <p><u>During Project Operation:</u> Conduct field inspections to verify implementation of AMP as approved.</p>	
<p>Mitigation Measure AG-2: Soil Reclamation Plan. Prior to the issuance of a building permit, the applicant shall submit, for review and approval by the Kings County Community Development Agency, a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life. The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate its pre-project condition, including: (1) removal of all above-ground and below-ground project fixtures, equipment, and non-agricultural driveways; (2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; (3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and (4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff. Additional seedlings and applications of weed-free mulch shall be applied to areas of the project site that have been determined to be unsuccessfully reclaimed (i.e., restored to pre-project conditions) until the entire project area has been restored to conditions equivalent to pre-construction conditions.</p>	<p><u>Responsible Party:</u> Applicant/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Prepare and submit Soil Reclamation Plan to Kings County CDA.</p> <p><u>During Project Decommissioning:</u> Implement Soil Reclamation Plan as approved by Kings County CDA.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Building Permit Issuance:</u> Verify that Soil Reclamation Plan is complete and in compliance with County requirements.</p> <p><u>During Project Decommissioning:</u> Conduct field inspections to verify implementation Soil Reclamation Plan as approved.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
<i>(Continued)</i>			
All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.			
<u>Mitigation Measure AG-3: Financial Assurance.</u> Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer’s Cost Estimate, approved by the Kings County Community Development Agency, to ensure completion of the activities under the Soil Reclamation Plan. Every 5 years from the date of completion of construction of the project, the applicant shall submit an updated Engineer’s Cost Estimate for financial assurances for the Plan, which will be reviewed every 5 years by the Kings County Community Development Agency to determine if amount of the assurances is sufficient to implement the Plan. The amount of the assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan.	<u>Responsible Party:</u> Applicant/Operator <u>Actions:</u> <u>Prior to Building Permit Issuance:</u> Submit financial assurance to Kings County CDA. <u>Every Five Years:</u> Prepare and submit revised Engineer’s Cost Estimate, and submit adjusted financial assurance to Kings County CDA.	<u>Monitoring Agency:</u> Kings County CDA. <u>Actions:</u> <u>Prior to Building Permit Issuance:</u> Verify that acceptable financial assurance has been provided. <u>Every Five Years:</u> Verify completion of revised Engineer’s Cost Estimate and confirm adjustment of the amount of assurance.	
4.3. AIR QUALITY			
<u>Mitigation Measure AQ-1: Control of Construction Emissions.</u> During project grading and construction, utilize mobile off-road diesel construction equipment that meets US EPA Tier 4 interim or Tier 4 final engine standards for emissions of NOx to the extent feasible.	<u>Responsible Party:</u> Applicant/Contractor <u>Actions:</u> <u>During Project Construction:</u> Utilize Tier 3 or Tier 4 equipment to the extent practicable. Maintain daily records of equipment use, including daily hours of Tier 3 and Tier 4 equipment use, by equipment type.	<u>Monitoring Agency:</u> Kings County Public Works Department. <u>Actions:</u> <u>During Project Construction:</u> Conduct field inspections to verify utilization of Tier 3 or Tier 4 equipment.	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: San Joaquin Kit Fox Protection. In order to minimize the potential for impacts to San Joaquin kit fox, the following measures shall be implemented in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys shall be conducted in accordance with the “U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance” (USFWS 2011). The survey areas are to include the project site plus an additional 500-foot buffer on adjacent off-site lands as access allows. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>b. <u>Kit Fox Avoidance Measures.</u> Should San Joaquin kit fox or a potential den be found using the Cherry Solar Project site during preconstruction surveys, the construction activity shall avoid the habitat occupied by kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. If USFWS cannot be contacted, the following minimum distances must be adhered to:</p> <p style="padding-left: 40px;">Potential den: 50 Feet Atypical den: 50 feet Known den: 100 feet Natal/pupping den (occupied and unoccupied): Service must be contacted</p> <p>Additionally, placement of 4-5 flagged stakes 50 feet from the entrance of potential and atypical dens shall be placed to identify the den location and the exclusion zone must be observed.</p> <p>c. <u>Employee Education Program.</u> Prior to the start of construction, the applicant shall retain a qualified biologist to conduct an on-site training session to educate all construction staff on the San Joaquin kit fox. This training shall include a description of the San Joaquin kit fox, a brief summary of their biology; and a list of minimization measures and instructions on what to do if a San Joaquin kit fox is observed within the Cherry Solar Project site. (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor/ Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If kit fox found on or near site, undertake avoidance measures and notify USFWS and CDFW; 3) Direct qualified biologist to conduct employee education program.</p> <p>(Continued)</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that avoidance measures have been implemented if kit fox found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p>(Continued)</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>d. <u>Minimization of Potential Disturbance to Kit Fox.</u> Whether or not kit foxes are found to be present, all permanent and temporary construction activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. The full list of protection measures required by the USFWS during construction and operation contained in USFWS Standardized Recommendations (USFWS 2011), and is presented in Table BIO-1, shall be implemented for the Project. The protection measures set forth in Table BIO-1 are fully incorporated into this mitigation measure by reference.</p> <p>e. <u>Mortality Reporting.</u> The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p> <p>f. <u>Wildlife-friendly Fencing.</u> The perimeter fencing surrounding each phase of the Cherry Solar Project shall consist of wildlife-friendly or permeable fencing that allows San Joaquin kit fox and other wildlife to move through the site unimpeded. The bottom of the perimeter fencing shall be 5 to 7 inches above the ground, as measured from the top of the ground to the lowest point of the fence. The bottom of the fence edges shall be knuckled (wrapped back to form a smooth edge) to allow wildlife to pass through safely. The fencing shall not be electrified.</p>	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Install wildlife-friendly fencing; 2) Implement disturbance minimization measures, as specified; 3) Report any kit fox mortalities as specified. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Report any kit fox mortalities as specified. 	<p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Conduct field inspections to verify installation of wildlife friendly fencing; 2) Conduct field inspections to confirm disturbance minimization measures have been implemented; 3) Verify that any kit fox mortalities have been reported as required. <p><u>During Project Operation:</u></p> <ol style="list-style-type: none"> 1) Verify that any kit fox mortalities have been reported as required. 	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Table BIO-1

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS

(Continued on next page.)

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Table BIO-1 (Cont'd)

**U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE
CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, California Department of Fish and Wildlife (CDFW), and revegetation experts.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. The USFWS should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<p><u>Mitigation Measure BIO-2: Protection for Nesting Raptors and Migratory Birds.</u> In order to minimize construction disturbance to active raptor and other migratory bird nests, the following measures shall be implemented in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-construction Surveys.</u> If tree removal, site preparation, grading, or construction is planned to occur within the breeding season (February 1 - August 31), a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 10 days of the onset of these activities. If construction activity is planned to commence outside the breeding period, no pre-construction surveys are required for nesting birds and raptors.</p> <p>b. <u>Monitoring Active Nests.</u> Should any active nests be discovered in or near planned construction zones, a qualified biologist shall continuously monitor identified nests for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, stop the work causing that change and consult with the California Department of Fish and Wildlife for additional avoidance and minimization measures.</p> <p>c. <u>Exclusion Zones for Active Nests.</u> Alternatively, should any active nests be discovered in or near the planned construction zones, the biologist shall establish a 250-foot construction-free buffer around the nest for non-listed birds, 500-foot buffer for unlisted raptors, and a half-mile for listed bird species. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged. Variance from these setback distances may be allowed if a qualified biologist provides compelling biological or ecological reason to do so and if CDFW is notified in advance of implementation of a no disturbance buffer variance.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction and operations workers on the Cherry Solar Project shall be trained by a qualified biologist. The tailgate training shall include a description of the Migratory Bird Treaty Act, instructions on what to do if an active nest is located, and the importance of capping pipes and pipe-like structures standing upright in order to avoid birds falling into the pipes and getting stuck.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to monitor nest(s) and notify CDFW, as needed; <u>OR</u> 3) Authorize biologist to establish exclusion zone around nest(s), as needed; 4) Direct qualified biologist to conduct employee education program.</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Verify that nest protection measures have been implemented if nest(s) found on site; 3) Verify completion of employee education prior to ground disturbing activities.</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>e. <u>Capping of Hollow Poles and Posts.</u> Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow tubes or poles be utilized on the Cherry Solar Project site, the poles shall be capped immediately after installation to prevent entrapment of birds.</p>	<p><u>During Construction:</u> 1) Ensure that all hollow poles and posts are capped.</p>	<p><u>During Construction:</u> 1) Conduct field inspection to confirm capping of poles and posts.</p>	
<p>Mitigation Measure BIO-3: Burrowing Owl Protection. In order to minimize the potential for impacts to burrowing owls, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-Construction Surveys.</u> Pre-construction surveys shall be conducted by a qualified biologist no more than 14 days prior to the onset of ground-disturbing activity. Pre-construction surveys shall be repeated if construction halts for more than 14 days. These surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012) or the most recent CDFW guidelines. The surveys shall cover all areas of suitable habitat within the planned construction zones.</p> <p>b. <u>Avoidance of Active Nests during Breeding Season.</u> If pre-construction surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer of 150 to 250 feet shall be established around all active owl nests. The specific dimensions of the exclusion zone in each case shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. The buffer zones shall be enclosed with temporary fencing, and construction equipment and workers shall not be allowed to enter the enclosed setback areas. These buffer zones shall remain in place for the duration of the breeding season. After the breeding season (i.e., once all the young have left the nest), passive relocation of any remaining owls may take place, but only under the conditions described below.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u> <u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>c. <u>Avoidance of Occupied Burrows during Non-Breeding Season, and Passive Relocation of Resident Owls.</u> During the non-breeding season (September through January), any burrows occupied by resident owls in areas planned for construction shall be protected by a construction-free buffer with a radius of 150 feet around each active burrow. Passive relocation of resident owls is not recommended by CDFW where it can be avoided. If passive relocation is not avoidable, resident owls may be passively relocated according to a relocation plan prepared by a qualified biologist.</p> <p>d. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a burrowing owl is observed within or near a construction zone.</p>	<p>3) Direct qualified biologist to conduct employee education program; 4) Implement mitigation, as needed, per recommendation of qualified biologist.</p>	<p>3) Verify completion of employee education prior to ground disturbing activities; 4) Verify implementation of any required mitigation.</p>	
<p>Mitigation Measure BIO-4: Swainson’s Hawk Protection. In order to minimize the potential for impacts to Swainson’s hawks, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Pre-Construction Surveys.</u> During the nesting season prior to the construction on the Cherry Solar Project site, preconstruction surveys shall be conducted within a half-mile of a potential nest tree located on and within a half-mile of the project site to identify any nesting pairs of Swainson’s hawks. These surveys will conform to the guidelines of CDFW as presented in <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i>, Swainson’s Hawk Technical Advisory Committee, May 31, 2000. No preconstruction surveys are required for construction activity located farther than a half-mile from a potential nest tree. (Continued on next page.)</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Authorize qualified biologist to conduct preconstruction surveys;</p> <p>(Continued)</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify completion of pre-construction surveys;</p> <p>(Continued)</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>b. <u>Establish Buffers</u>. Should any active nests be discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the nest. The biologist would have the authority to extend the buffer zone to ½ mile around the nest, if appropriate depending on site conditions. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged.</p> <p>c. <u>Tailgate Training</u>. All workers on the construction of the project shall attend tailgate training that includes a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a Swainson’s hawk is observed on or near the construction zone.</p>	<p>2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s);</p> <p>3) Direct qualified biologist to conduct employee education program.</p>	<p>2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
<p><u>Mitigation Measure BIO-5: American Badger Mitigation</u>. The following measures shall be implemented to minimize impacts to the American badger, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Preconstruction Surveys for American Badger</u>. During the course of pre-construction surveys prescribed for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, a report shall be written to the applicant so stating and no other mitigations for the protection of badgers would be warranted.</p> <p>b. <u>Avoidance of Active Badger Dens and Monitoring</u>. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that the badger(s) have vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present on-site until it is determined that young are of an independent age and construction activities would not harm individual badgers. <i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u></p> <p>1) Authorize qualified biologist to conduct preconstruction surveys;</p> <p>2) If active den(s) found on or near site, authorize biologist to establish exclusion zone(s) around den(s), and to monitor den(s) until end of breeding period;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u></p> <p>1) Verify completion of pre-construction surveys;</p> <p>2) Conduct field inspection to verify establishment of any exclusion zone(s);</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>c. <u>Tailgate Training for Workers.</u> All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if an American Badger is observed.</p>	<p>3) Direct qualified biologist to conduct employee education program.</p>	<p>3) Verify completion of employee education prior to ground disturbing activities.</p>	
4.5 CULTURAL RESOURCES			
<p><u>Mitigation Measure CR-1: Protection of Cultural Resources.</u> In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. <u>Cultural Resources Alert on Project Plans:</u> The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.</p> <p>b. <u>Pre-Construction Briefing:</u> The project proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found.</p> <p>c. <u>Stop Work Near any Discovered Cultural Resources:</u> The project proponent shall retain a professional archaeologist on an “on-call” basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.</p> <p><i>(Continued on next page.)</i></p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Place Cultural Resources Alert on project plans.</p> <p><u>Prior to Construction:</u> 1) Arrange for Tribe to conduct pre-construction briefing.</p> <p><u>During Construction:</u> 1) If cultural resources discovered, establish 100-foot setback zone and contact archaeologist and Kings County CDA;</p> <p><i>(Continued)</i></p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Confirm Cultural Resources Alert has been placed on project plans.</p> <p><u>Prior to Construction:</u> 1) Verify Tribe has completed briefing prior to construction.</p> <p><u>During Construction:</u> 1) Coordinate with applicant/contractor and archaeologist to ensure protection of cultural resources;</p> <p><i>(Continued)</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<i>(Continued from preceding page.)</i>			
<p>d. <u>Mitigation for Discovered Cultural Resources:</u> If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria’s Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.</p> <p>e. <u>Native American Monitoring:</u> Prior to any ground disturbance, the project proponent shall offer the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during both construction and decommissioning. Tribal participation would be dependent upon the availability and interest of the Tribe.</p> <p>f. <u>Disposition of Cultural Resources:</u> Upon coordination with the Kings County Community Development Agency, any prehistoric archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.</p>	<p>2) Coordinate with Kings County CDA, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Coordinate with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with Kings County CDA and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	<p>2) Coordinate with applicant, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation;</p> <p>3) Verify applicant has coordinated with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction;</p> <p>4) Coordinate with applicant and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
<p>Mitigation Measure CR-2: Protection of Buried Human Remains. In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Cherry Solar Project:</p> <p>a. Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop within 25 feet of the discovery and the Kings County Coroner shall be notified immediately and the resource shall be protected in compliance with applicable state and federal laws. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD) pursuant to Public Resources Code Section 5097.98. The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p> <p>b. Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, engage project archaeologist and coordinate with Kings County CDA in implementing the legally required actions as specified in the mitigation measure.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u> 1) If human remains are discovered, coordinate with applicant and archaeologist to ensure that all legally required actions are implemented.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
<p>Mitigation Measure GEO-1: Expansive Soils within Cherry Solar Project Site. Prior to the issuance of the first building permit for the Cherry Solar Project, the applicant shall retain a qualified registered civil engineer to prepare a preliminary soils report, based on soil borings or excavations, to determine the potential for soils expansion and to prepare recommendations for corrective actions to mitigate potential damage to project structures due to potential soils expansion. The preliminary soils report shall be submitted to Kings County Community Development Agency Building Division for review and approval. The potential damage from soils expansion can be reduced by one or more of several alternative engineering measures, as recommended by the registered civil engineer. These measures could include: overexcavation and replacement with non-expansive soils; extending foundations below the zone of shrink and swell; chemically treating the soils with quicklime or cement; or foundation design measures. The corrective measures specified would become conditions of Building Permit approval and would be subject to inspection and approval by the Kings County Building Official.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <ol style="list-style-type: none"> 1) Authorize engineer to prepare soils report; 2) Submit soils report to Kings County CDA for review and approval. <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Implement soils engineering measures recommended in soils report. 	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u></p> <ol style="list-style-type: none"> 1) Review and approve soils report as appropriate. <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) Conduct field inspections to verify implementation of soils engineering measures. 	
<p>Mitigation Measure GEO-2: Protection of Paleontological Resources. In order to avoid the potential for impacts to paleontological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project:</p> <p>a. If paleontological resources are discovered during excavation activities at the project site, work within 100 feet of the find shall cease, and a qualified professional paleontologist shall be retained to evaluate the significance of the resources and make recommendations regarding the treatment, recovery, curation of the resources, as appropriate. Treatment of any significant paleontological resources shall be undertaken with the approval of the Kings County CDA.</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) If paleontological resources discovered, establish 100-foot setback zone, retain paleontologist to make recommendations regarding treatment, and notify Kings County CDA; 2) Submit treatment recommendations to Kings County CDA for approval as appropriate; 3) Implement approved treatment measures. 	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>During Construction:</u></p> <ol style="list-style-type: none"> 1) If paleontological resources discovered, verify establishment of 100-foot setback zone pending approval of treatment plan; 2) Review and approve treatment recommendations as appropriate; 3) Verify implementation of treatment measures as approved. 	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS			
<p>Mitigation Measure HAZ-1: Protection from Hazardous Materials. In order to protect the public from potential release of hazardous materials, the following measures shall be implemented during project construction, operation, and decommissioning:</p> <p>a. The project applicant shall prepare and implement a Hazardous Materials Business Plan (HMBP) in accordance with the requirements of, and to the satisfaction of, the Kings County Public Health Department Environmental Services Division;</p> <p>b. The project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Water Resources Control Board, and to the satisfaction of the Central Valley Regional Water Quality Control Board.</p> <p>The potential for minor spills would be largely avoided through implementation of the Hazardous Materials Business Plan (HMBP), as required under the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the Kings County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency (CUPA) for Kings County. The HMBP would include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site, and procedures for handling and disposing of unanticipated hazardous materials encountered during construction. The HMBP would include an inventory of the hazardous waste generated on site, and would specify procedures for proper disposal. As required, hazardous waste would be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by OSHA). Any accidental release of small quantities of hazardous materials would be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the CUPA for Kings County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs. Implementation of the HMBPs for each phase of the Cherry Solar Project would ensure that minor spills or releases of hazardous materials would not pose a significant risk to the public or the environment.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Authorize qualified engineer to prepare SWPPP; and submit to Kings County CDA. 2) File a Notice of Intent (NOI) to State Water Resources Control Board.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>Prior to Project Operation:</u> 1) Prepare HMBP and submit to Kings County Public Health Department.</p> <p><u>During Project Operation:</u> 1) Implement HMBP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Kings County Public Health Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Building Permit:</u> 1) Verify receipt of SWPPP (CDA).</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP (CDA).</p> <p><u>Prior to Project Operation:</u> 1) Verify receipt of HMBP (Public Health).</p> <p><u>During Project Operation:</u> 1) Verify implementation of HMBP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS (CONT'D)			
<p><u>Mitigation Measure HAZ-2: Preventing Valley Fever Exposure.</u> In order to protect the public and workers from Valley Fever, the following measures shall be implemented during project construction and decommissioning:</p> <p>a. Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity.</p> <p>b. Provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)," available at http://www.cdph.ca.gov/programs/hesis/Documents/CocciFact.pdf</p>	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Prepare Dust Control Plan and submit to SJVAPCD and Kings County CDA for approval.</p> <p><u>During Construction:</u> 1) Implement Dust Control Plan; 2) Provide workers with respirators as recommended.</p>	<p><u>Monitoring Agency:</u> Kings County CDA.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Review and approve Dust Control Plan.</p> <p><u>During Construction:</u> 1) Verify implementation of Dust Control Plan and distribution of respirators.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.10 HYDROLOGY AND WATER QUALITY			
<p>Mitigation Measure HYD-1: Stormwater Quality Protection. Prior to construction grading and prior to the decommissioning, the applicant shall be required to file a “Notice of Intent” (NOI) with the SWRCB to comply with the General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project phase shall be prepared by a licensed engineer and shall detail the treatment measures and best management practices (BMPs) to control pollutants that shall be implemented and complied with during the construction and post-construction phases of solar development. The SWPPP(s) required for decommissioning shall specify BMPs to be implemented during that final project phase. The construction contracts for each project phase, and for the decommissioning phase, shall include the requirement to implement the BMPs in accordance with the SWPPPs. The SWPPPs will specify such practices as: designation of restricted-entry zones, sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance), truck washdown areas, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, application of mulch for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area. The SWPPPs will also prescribe treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing, and siltation or sediment ponds. Upon completion of each solar phase, the finished grades beneath and around the finished rows of solar panels will be revegetated with a seed mix which has been approved by the Kings County Community Development Agency. The reestablished vegetated cover would stabilize the soils and minimize the potential for post-construction erosion. The construction contracts for each project phase, and for the decommissioning phase, will include the requirement to implement the BMPs in accordance with the SWPPPs, and proper implementation of the specified BMPs is subject to inspection by the Regional Board staff.</p>	<p><u>Responsible Party:</u> Applicant/Contractor/Operator</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) File NOI with SWRCB; 2) Authorize qualified engineer to prepare SWPPP.</p> <p><u>During Construction:</u> 1) Implement SWPPP.</p> <p><u>During Operation:</u> 1) Implement post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Implement SWPPP.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA and Public Works Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Construction:</u> 1) Verify filing of NOI. 2) Verify preparation of SWPPP.</p> <p><u>During Construction:</u> 1) Verify implementation of SWPPP.</p> <p><u>During Operation:</u> 1) Verify implementation of post-construction elements of SWPPP.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of SWPPP.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.17 TRANSPORTATION			
<p><u>Mitigation Measure TR-1: Traffic Safety Measures for Solar Project Construction.</u> As a condition of project approval, and prior to the issuance of encroachment permits, the applicant shall consult with the Kings County Public Works Department regarding construction activities that may affect area traffic (such as equipment and supply delivery necessitating lane closures, trenching, etc.). Additionally, the project plans will be reviewed by the appropriate County departments for conformance with all applicable fire safety code and ordinance requirements for emergency access. The contractor shall implement appropriate traffic controls in accordance with the California Vehicle Code and other state and local requirements to avoid or minimize impacts on traffic.</p> <p>Traffic measures that shall be implemented during construction and decommissioning activities include the following:</p> <ol style="list-style-type: none"> a. Construction traffic shall not block emergency equipment routes. b. Construction activities shall be designed to minimize work in public rights-of-way and use of local streets. As examples, this might include the following: <ol style="list-style-type: none"> i. Identify designated off-street parking areas for construction-related vehicles throughout the construction and decommissioning periods. ii. Identify approved truck routes for the transport of all construction- and decommissioning-related equipment and materials. iii. Limit the employee arrivals and departures, and the delivery of equipment and materials, to non-peak traffic periods (e.g., avoid unnecessary travel from 7 to 9 AM and 4 to 6 PM). iv. Provide for farm worker vehicle access and safe pedestrian and vehicle access. v. Provide advance warning and appropriate signage whenever road closures or detours are necessary. c. Construction shall comply with San Joaquin Valley Air Pollution Control District standards for unpaved roads, which include a requirement to keep vehicle speeds below 15 miles per hour. 	<p><u>Responsible Party:</u> Applicant/Contractor</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Consult with Kings County Public Works Department regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p> <p><u>During Decommissioning:</u> 1) Implement traffic safety measures as approved by Public Works Department.</p>	<p><u>Monitoring Agencies:</u> Kings County CDA, Public Works Department, and Fire Department.</p> <p><u>Actions:</u></p> <p><u>Prior to Issuance of Encroachment Permits:</u> 1) Coordinate with Applicant/Civil/Contractor regarding appropriate traffic safety measures.</p> <p><u>During Construction:</u> 1) Verify implementation of traffic safety measures.</p> <p><u>During Decommissioning:</u> 1) Verify implementation of traffic safety measures.</p>	

KINGS COUNTY FIRE DEPARTMENT
COMMUNITY RISK REDUCTION BUREAU
280 North Campus Drive
Hanford, CA 93230
Phone (559) 852-2885
William Lynch, Fire Chief
Blake Adney, Fire Marshal



FIRE SUPPRESSION WATER STORAGE TANKS

The following are the requirements for installation of water storage tanks in the local response area that do not have pressurized water systems within Kings County. Please contact our department if there are any questions PRIOR to installation. While all of these points may not apply to your situation, it is for your information and review. Violations of the following are enforced under the authority of the California Fire Code (CFC), Public Resource Code, and National Fire Protection Association (NFPA) and in accordance with the Kings County Ordinance Code.

1. All residential and commercial structures shall meet NFPA 1142 fire flow requirements or as specified by the Fire Department. Water Storage tanks shall meet NFPA 22 requirements. Water tank maintenance shall meet NFPA 25C, Chapter 9 requirements.

Exceptions:

- a) This shall not apply to pole barns, detached carports, and other small non-enclosed structures.
- b) Structures falling within this exception shall not have more than two sides enclosed and shall not be located within 25 feet from adjacent structures.
- c) R-3 occupancies which are single story with a square footage at or less than 2,499 square feet; and for R-3 occupancies which are two story, at or less than 2,999 square feet.
- d) Mobile homes shall not have to adhere to NFPA 1142.

Even if these exceptions are met, the Fire Department reserves the right to require a water storage tank or pool system due to the projected fire flow requirements of the property.

2. Tank Connection:

- a) Connection to the tank shall be located not less than 8" from the bottom of the tank.
- b) An approved brass shut-off valve shall be located at the tank.
- c) There shall be an elbow attached to the interior of the tank descending to no less than 2" from the bottom of the tank.

3. Pumper Connections:

- a) The Fire Department Connection (FDC) shall be equipped with a 4-1/2" male coupling. (National Hose Thread) NFPA 24-5.9.2.2
- b) The FDC shall be placed at least 40' from the building and no more than 150' from furthest portion of the structure.
- c) The FDC shall not be less than 24" or more than 36" from final grade.
- d) The FDC and piping shall be supported in an approved manner. NFPA 24-9.1.2
- e) FDC shall be protected by barrier posts if deemed necessary. NFPA 24-5.9.1.4

1. Materials NFPA 1142-8.3.2:

- a) Piping shall be listed for fire protection service and comply with AWWA standards. Piping shall be designed to withstand a working pressure of at least 150 psi. (PVC minimum of Schedule 40 for underground sections only.)
- b) All joints and fittings shall be approved and listed.
- c) Caps shall be required and may be of brass or polyurethane. They must be properly secured and arranged for easy removal by Fire Department. NFPA 24-5.9.2.2
- d) Underground piping, if applicable, shall be no less than 6" in diameter. NFPA 24-5.2.2
- e) All bends and changes in direction of the piping shall be supported with thrust blocks. (If using Schedule 40 PVC pipe for the underground, the thrust block must completely surround the galvanized elbow joint to prevent movement.)
- f) A maximum of 3-90 degree elbows shall be permitted.
- g) A tracer wire shall be installed with the underground piping.

4. Access:

- a) The tank and/or Fire Department Connections shall be accessible to all fire apparatus at all times (all weather road). Location shall not interfere with nearby objects including buildings, fences, posts or other obstructions. There shall be at least 3' of clearance in all directions and the connection shall face the engine access as directed by the Fire Department.
- b) All roadways shall have an unobstructed width of no less than 20' easement with an all-weather surface, exclusive of shoulders, capable of supporting fire department apparatus and 13' 6" in vertical clearance. CFC 503.2.1
- c) The FDC shall be located within 8' of fire apparatus access road.

5. General requirements:

- a) Plans shall be submitted to Fire Department PRIOR to installation. These plans shall include piping details (class & type), lengths, joint information, size and location of water supply, type & location of valves, FDC locations & measurements. All water tanks over 5,000 gallons need to be on an approved foundation or on a foundation that is recommended by the tank manufacturer. A set of foundation plans need to be provided and approved by the building department.
- b) Pipe depth shall be at least 3 feet (36 inches).
- c) A reliable means of automatically maintaining the water level in the tank shall be provided. (This is normally by means of a float valve)
- d) Refill piping shall not be less than ¾" galvanized pipe from the top of the tank.
- e) There shall be a 24" X 24" inspection hatch on the top of the tank.
- f) There shall be a ladder available for all inspections.
- g) There shall be a vent of 4", equivalent to the outlet size located on the top of the tank. (This vent shall be protected from invasion of excessive dirt and/or living things.
- h) A floater shall shut off at least 2" below the water line (see schematic).
- i) Poly tanks shall not exceed 10,000 gallons.
- j) Only two tanks will be allowed to achieve water storage requirements.
- k) The metal ring that forms the base for the tanks shall be three inches wide.
- l) The water shall be onsite and in service prior to combustible material on site.

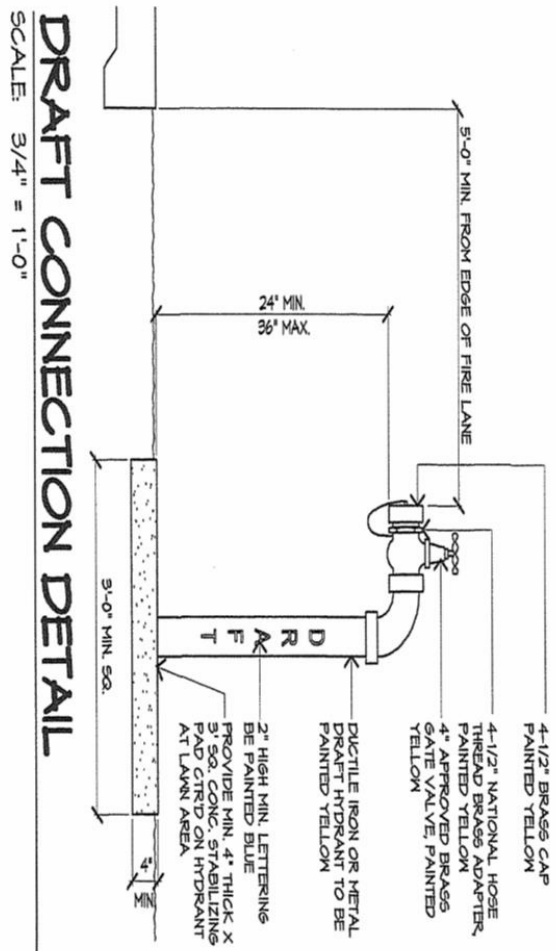
6. Testing:

- a) Provide a copy of Contractors Material & Test Certificate furnished by the installing contractor.
- b) Trench shall be backfilled between joints before testing to prevent movement of the pipe. All joints shall be visible during testing.
- c) All new service mains shall be tested hydrostatically at not less than 50 psi for 2 hours.
- d) Testing shall be done in the presence of the Fire Department.
- e) All control valves and FDC's shall be fully opened and closed under system pressure.

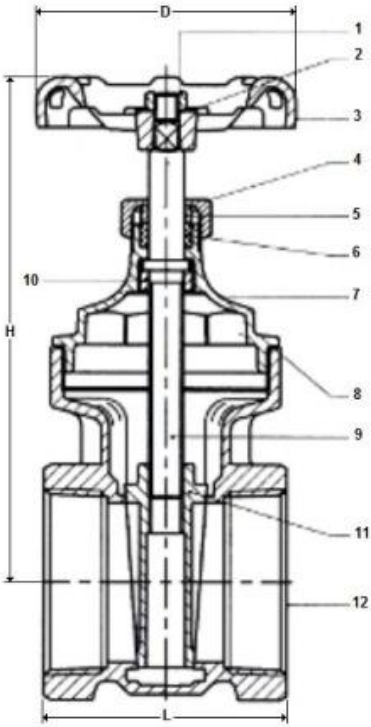
Contact the Fire Department at (559) 852-2881 for the following inspections:

- 1. Rough inspection-
 - To check clearances of connections
 - Fire apparatus roads and road conditions
 - Pressure test of underground
 - Need ladder to verify location of interior piping and float valve

- 2. Final Inspection-
 - Flushing of line
 - Checking the water refill capabilities
 - Make sure tank is full of water
 - Inspect remaining hardware

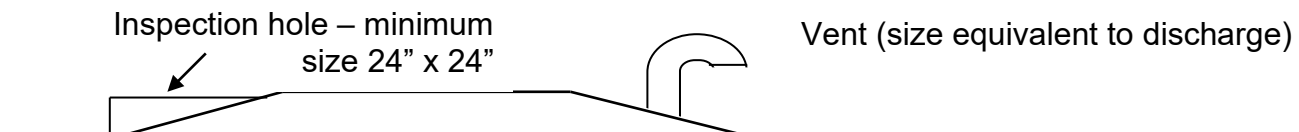


514T Full Port Gate Valve

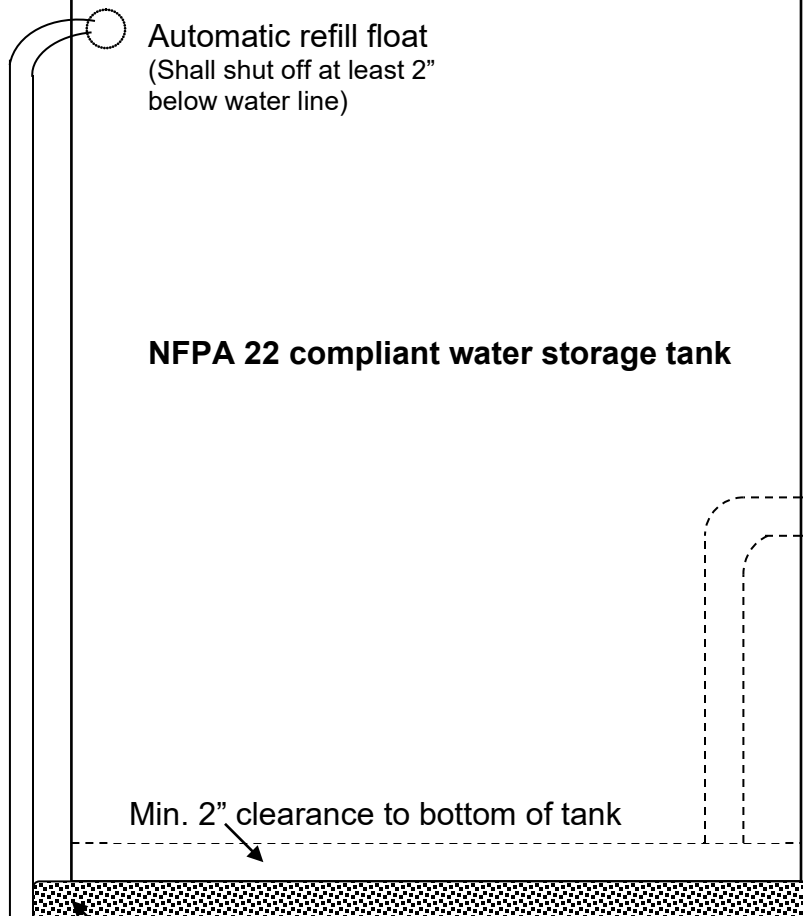




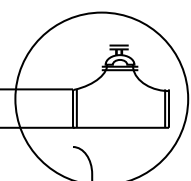
Part Number	DMH4045F
Material	Cast Brass
Male Thread	NPT x NST (NH)
Male Thread Size	4" x 4-1/2"
Weight Lb	5.6300



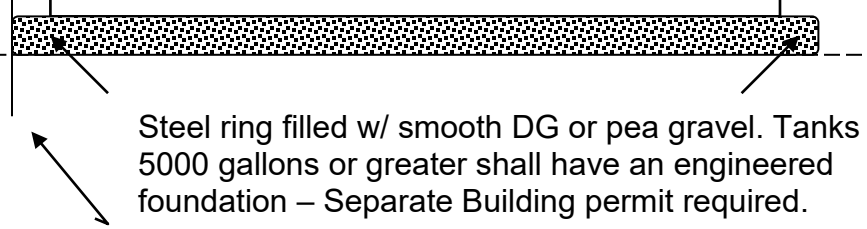
Option 1 – connection at the tank



- 4" galvanized nipple
- 4" approved polyurethane or brass gate valve
- 4 1/2" (I.D.) National Hose Thread (NHT) brass adapter
- 4 1/2" (I.D.) cap – brass or plastic



Minimum 24", maximum 36" distance from finished grade to bottom of approved valve.



Provide proper support for Fire Department Connection (*when required*).

The Fire Marshal shall pre-determine the location of the tank and inspect for access during the permit process.

From pump or water source: minimum 3/4" residential / 2" commercial water supply line
 NFPA refill requirements shall be met

Vent (size equivalent to discharge 4")

The Fire Marshal shall pre-determine the location of the tank and inspect for access during the permit process

Inspection hole – minimum size 24" x 24"

Automatic refill float

Option 2 – remote connection

NFPA 22 compliant water storage tank

Piping shall comply with NFPA 22, 14.2.2.2

6" pipe up to 25,000 Gallons

8" pipe 25,001 to 100,000 Gallons

10" pipe 100,000 + Gallons

4" galvanized nipple

4" approved polyurethane or brass gate valve

4 1/2" (I.D.) National Hose Thread (NST) brass adapter

4 1/2" (I.D.) cap - brass or plastic

Approved gate valve (Locked open)

Minimum 24", maximum 36" distance from finished grade to bottom of approved valve. (May require vehicle protection)

Flanged cast iron, steel pipe or welded steel pipe

Min. 2" clearance to bottom of tank

8" min.

Provide concrete stabilizing pad for draft connection. Refer to draft connection detail.

Steel ring filled w/ smooth DG or pea gravel. Tanks 5000 gallons or greater shall have an engineered foundation – Separate Building permit required.

6" Schedule 40 PVC min. NFPA 1142, 8.3.2

From pump or water source: minimum 3/4" residential / 2" commercial water supply line; NFPA refill requirements shall be met.

Thrust blocking

Bury depth: min. 3'



June 13, 2024

Irene Ford
County of Kings
1400 W Lacey Blvd, Bldg #6
Hanford, CA 93230

Ref: Gas and Electric Transmission and Distribution

Dear Irene Ford,

Thank you for submitting the CUP 22-05 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: <https://www.pge.com/en/account/service-requests/building-and-renovation.html>.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



June 27, 2024

Irene Ford
Permit Tech II
Community Development Agency
1400 W Lacey Blvd., Bldg. 6
Hanford, CA 93230

Re: Conditional Use Permit No. 22-05 Amendment (Cherry Solar Project) 24924 Nevada Avenue, Stratford, CA (Kings County -026-300-034, 026-320-006, 026-320-011, 026-320-010, 026-320-017, 026-320-020, 026-320-021, 026-320-022, 026-320-023, 026-320-024, 026-330-037)

Dear Mrs. Ford:

Thank you for providing PG&E the opportunity to review the proposed plans for the applicant's CUP Modification #1 (CUP 22-05) Cherry Solar Project. Our review indicates the proposed commercial solar panel development does not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at Rand.Reynolds@pge.com.

Sincerely,

Rand Reynolds
Rand Reynolds
CONT – Land Agent Sr.