

PLANNING AND NATURAL RESOURCES Additional Material for	
B/S Agenda Date	Item No.
4/9/19	3
Clerk of the Board	S.D.1
CAO	S.D.2
County Counsel	S.D.3
Grand Jury	S.D.4
Media	S.D.5

ADDENDUM II

KERN COUNTY PLANNING COMMISSION

Board of Supervisors

STAFF REPORT

Date: April 9, 2019

FILE: GPA #9, Map #152; and various others
S.D.: #2 - Scrivner

TITLE: (a) General Plan Amendment Case No. 9, Map No. 152; General Plan Amendment Case No. 1, Map No. 152-28; (b) Amendment of Zoning Map No. 152, Zone Change Case No. 11; Amendment of Zoning Map No. 152, Zone Change Case No. 12; Amendment of Zoning Map No. 152, Zone Change Case No. 13; Amendment of Zoning Map No. 152-28, Zone Change Case No. 1; (c) Conditional Use Permit Case No. 23, Map No. 152; Conditional Use Permit Case No. 24, Map No. 152; Conditional Use Permit Case No. 25, Map No. 152; Conditional Use Permit Case No. 26, Map No. 152; Conditional Use Permit Case No. 3, Map No. 152-28

PROPOSAL: (a) Two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28; (b) Four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A, on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A, on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A, on approximately 81 acres within Zone Map 152-28 or more restrictive districts; (c) Five Conditional Use Permits (CUPs 23 thru 26, Map 152 and CUP 3, Map 152-28) to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities

APPLICANT: Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

PROJECT SIZE: 2,652.7 acres

LOCATION: South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City

SURROUNDING LAND USE/ZONING/GENERAL PLAN DESIGNATION: Site 1: North – Largely undeveloped land/A (Exclusive Agriculture)/8.5 (Resource Management); East – Largely undeveloped land/PL RS (Platted Lands - Residential Suburban Combining), PL RS FPS (Platted Lands - Residential Suburban Combining - Floodplain Secondary Combining), and RF (Recreation-Forestry)/1.1 (State and Federal Land), 8.5/2.5 (Resource Management - Flood Hazard); South – Largely undeveloped land/A, A FP (Exclusive Agriculture - Floodplain Combining), and A FPS (Exclusive Agriculture - Floodplain Secondary Combining)/8.5; West – Largely undeveloped land/A and PL RS MH/8.5; Site 2: North – Largely undeveloped land/A and A GH (Exclusive Agriculture - Geologic Hazard Combining)/8.5; East – Largely undeveloped land/A FP/8.5; South – Largely undeveloped land/California City/1.2 (Incorporated City); West – Largely undeveloped land/A, A GH (Exclusive Agriculture - Geologic Hazard Combining), and PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining)/8.5/2.1 (Resource Management - Seismic Hazard); Site 3: North – Largely undeveloped land and sparse

residential dwellings/PL RS/8.5; East – Largely undeveloped land/A/8.5; South – Largely undeveloped land/PL RS MH/8.5; West – Largely undeveloped land/A-1 (Limited Agriculture) and A-1 MH (Limited Agriculture - Mobilehome Combining)/4.2 (Rural Community); **Site 4:** North – Largely undeveloped land/A, A-1 MH, and PL RS/4.2/8.5; East – Largely undeveloped land/A-1 and A-1 MH/4.2; South – Largely undeveloped land/California City/1.2; West – Largely undeveloped land/A/8.5

PROJECT ANALYSIS: Subsequent to the distribution of the staff report for today's hearing, Staff received two (2) additional comment letter from the Kern Valley Indian Community and the Kern County Fire Department - Office of the Fire Marshal. In response, Staff provides the following:

Kern County Fire Department (KCFD). The KCFD has received and reviewed the current proposal and it has been determined the Kern County Fire Department will provide a more detailed review and project comments when the building permit is pulled and plans are submitted to the KCFD. Staff notes this for the record and the comment has been provided to the project applicant.

Kern Valley Indian Community. The commenter expressed concerns regarding the protection of prehistoric cultural resources located throughout the proposed project area. The commenter mentioned that the topography of the area results in flashfloods covering up all but the most recent cultural resources sites and that this is born out repeatedly by the multiple inadvertent discoveries at each of the other solar projects throughout the area. The commenter strongly recommends that culturally affiliated Native American cultural resource monitors be present for all ground disturbing activities and requests for a walkthrough of the proposed project site.

In response, Staff notes MM 4.4-1 of the Draft EIR requires the project proponent/operator to retain the services of a qualified archaeologist and Native American monitor, to monitor all ground-disturbing activities associated with the construction of the proposed project. The following mitigation measure is incorporated in 'Exhibit C' of the original staff report prepared for today's hearing:

MM 4.4-1: Prior to issuance of grading permits, the project proponent/operator shall:

- (a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, Part 61 (36 CFR Part 61) to carry out all mitigation measures related to archaeological and historical resources.
- (b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project proponent/operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.
- (c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.

In regards to the requested walkthrough, Staff notes that this comment has been provided to the applicant to facilitate the coordination of the walkthrough as requested by the commenter.

PUBLIC INQUIRY OR CORRESPONDENCE: Kern County Fire Department; Kern Valley Indian Community

CEQA ACTION: Environmental Review: Supplemental Environmental Impact Report

PLANNING COMMISSION RECOMMENDATION: Certify the Supplemental Environmental Impact Report; adopt Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program; adopt resolutions, recommended findings, and enact ordinances approving General Plan Amendments as recommended by Staff, to include within T31S/R37E, MDB&M: north half of midsection lines within Section 28; all midsections lines and the eastern and southern section lines, within Section 23; all midsections lines within and the eastern and southern section lines, of Section 35; all midsections lines and the western section line, of Section 34; all midsections lines and the southern section line of Section 33; the southern section line, the southern portion of midsection line and western and eastern portions of midsection lines within Section 32, the southern and eastern portions of midsection lines and eastern portion of the southern section line within Section 31; the eastern portion of the northern section line and eastern portion of the midsection lines within Section 28; deny General Plan Amendment as recommended by Staff for: north portion of the west section line between Section 28 and 29; north and south portions of section line between Section 27 and 28; west and east portions of the section line between Section 26 and 35; west and east portions of the section line between Section 14 and 23; approve zone changes as requested; approve conditional use permits subject to conditions; approve the Memorandum of Understanding/Agreement and **authorize the Chairman** to sign

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR GENERAL PLAN AMENDMENTS:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the

Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) Approval of this request would promote development that is consistent with existing and potential land uses of surrounding the area and will allow a reasonable use of this property.
- (6) The project will require minimal expansion of infrastructure to support the proposed development.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) In accordance with Assembly Bill 52 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.
- (9) Approval of the requested General Plan Amendments are consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (10) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (11) Approval of the Amendments to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan.
- (12) Approval of the Amendments to the Circulation Element of the Kern County General Plan is consistent with the objectives will maintain accessibility for neighboring properties.
- (13) Approval of the Amendments to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan because it will maintain adequate traffic safety.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR GENERAL PLAN AMENDMENTS:

- (1) Denial of portions of the Amendment to the Circulation Element of the Kern County General Plan will preserve access for potential future development in the area. These portions are as follow: north portion of the west section line between Section 28 and 29; north and south portions of section line between Section 27 and 28; west and east portions of the section line between Section 26 and 35; west and east portions of the section line between Section 14 and 23.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS ZONE CHANGE CASES:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.
- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
- (8) Approval and implementation of the request zone change will facilitate the construction of a 500 megawatt (MW) solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and five (5) full-time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits

residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.

- (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
- (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
- (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts (MW) solar photovoltaic facility. The A District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMITS:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map No. 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map No. 152, Conditional Use Permit No. 3 Map No. 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts (MW) of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me, LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map No. 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map No. 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.

- (5) All necessary building permits must be obtained.
- (6) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
- (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
 - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
 - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
 - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
 - (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.
 - (f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction
- (7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**
- (a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
 - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
 - (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division

Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

- (c) All storage and pressure tanks shall be painted an earthen hue color.
 - (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
 - (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
 - (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
 - (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.
 - (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
 - (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for

continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.

- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR CONDITIONAL USE PERMITS:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.
- (12) Approval of the requested conditional use permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts (MW) solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

CMM:CER:sc

Attachments

Office of the Fire Marshal Kern County Fire Department

Fire Prevention

2820 M St. • Bakersfield, CA 93301 • www.kerncountyfire.org

Telephone 661-391-3310 • FAX 661-636-0466/67 • TTY Relay 800-735-2929



March 29, 2019

Kern County Planning and Natural Resources Department
2800 M St., Bakersfield, CA 93301
Attn.: Carlos Rojas

**Re: Kern County Fire Department Comments Regarding Planning Department Project Eland 1
Solar Project CUP 23-26 Map 152 & CUP 3 Map 152-28**

To Whom It May Concern,

The Kern County Fire Department (KCFD), as the local fire authority, has received a request for comments regarding Eland 1 Solar Project. Upon initial review, it has been determined that the Kern County Fire Department will provide a more detailed review and project comments when the building permit is pulled and plans are submitted to KCFD.

Please feel free to call our Fire Prevention Office at 661-391-3310 with any questions.

Sincerely,
Michael Nicholas
Assistant Fire Marshal
Kern County Fire Department



March 25, 2019

Kern County Planning and Natural Resources Department
Attn: Kathleen Krause
2700 "M" St., Suite 100
Bakersfield, CA 93301

RE: Tribal Comments Regarding Eland 1 Solar Project by 68sf 8me, LLC (PP18211)

Dear MS. Krause,

Kern Valley Indian Community (KVIC) has concerns regarding the protection of prehistoric cultural resources located throughout the proposed project area. The topography of the area results in flashfloods covering up all but the most recent cultural resource sites. This is born out repeatedly by the multiple inadvertent discoveries at each of the other solar projects throughout the area. KVIC strongly recommends that culturally affiliated Native American cultural resource monitors be present for all ground disturbing activities. KVIC also requests a walkthrough of the proposed project site.

Respectfully,

Robert Robinson
KVIC Chairman
Tribal Historic Preservation
Officer
P.O. Box 1010
Lake Isabella, CA 93240
W: 760.549.2131
H: 760.378.2915
M: 916.803.3408
E: bbutterbredt@gmail.com

Cc: Kathy Smith, KVIC Vice Chairman
Dolores Rossback, KVIC Treasurer
Julie Turner, KVIC Secretary
Marjorie Albitre, KVIC Public Affairs Officer